





# ALBANY DEMOCRATIC REFORMER

OCT. 20, 1843.

(Embodying documents concerning Governmental Reformation)

No. 1.—Vol. I.

## CONSTITUTIONAL REFORM.

"Each generation is as independent of the one preceding, as that was of all that had gone before. It has, then, like them, a right to choose for itself the form of government it believes the most productive of its own happiness—consequently to accommodate to the circumstances in which it finds itself, that received from its predecessors: and it is for the peace and good of mankind that a solemn opportunity of doing this every nineteen or twenty years should be provided by the Constitution, so that it may be handed on, with periodical repairs, from generation to generation, to the end of time, if any thing human can so long endure."—Jefferson's letter to Kircheval in 1816.

"Every effort, however, to improve our social condition, will meet with the bitter opposition of all who are interested in existing evils. Such has been the history of man, from the earliest records to the present time. The mercenary contemporaries of every reformer have heaped upon him in profusion all kinds of misrepresentation, contumely and reproach; but the gross transgressions of delegated power are now so palpable as to have aroused the attention of a patient and long suffering community."

"The interests and well-being of the great body of the people in every part of the State are identical. Just and equal laws and an economical government shed their blessings alike upon all. The course to be pursued by the advocates of reform is plain. It is, to call things by their right names; to expose past misrule to public reprobation; to turn a deaf ear to calumny, sneers and misrepresentations; to enforce by argument the pressing necessity of Constitutional Reform; and on no occasion to tamper with iniquity or compromise with corruption."—Col. Young, 1843.

## CONTENTS OF THIS PAPER.

THIS number of the DEMOCRATIC REFORMER is exclusively devoted to subjects connected with the Great Question of Constitutional Reform in the State of New-York. For the purpose of presenting in one paper several Memorials and Speeches which have an essential connexion with each other, in explaining the character of the proposed Reformation of Government, this number of the Reformer is published in double the ordinary size—thirty-two, instead of sixteen, closely printed octavo pages. The next number will include among various important matters, a collection of the Essays of E. P. Hurlbut, which appeared recently in the New-York Evening Post—essays which have discussed with remarkable ability, various important branches of the proposed Reform, and which have elicited warm commendation from the Democratic prints—prints that have testified their estimate by copying several of these admirable productions.

Among the contents of this number of the REFORMER may be found—

A Circular and Address of the Executive Committee; The Herkimer Declaration, by Charles S. Benton; The "People's Resolutions"—their origin and fate; With a Letter from Arphaxed Loomis, their author; Speech of Robert H. Morris at New-York; Letters from Silas Wright and A. C. Flagg; Letters from C. C. Cambreleng and Wm. C. Bryant; Speech of Theodore Sedgwick at New-York; Letters from George P. Barker and Albert H. Tracy; A Letter on Legal Reform, from Ansel Bascom; A Letter from Michael Hoffman; Remarks of Lorenzo Sherwood of Madison; A letter from Col. Young on the Reform Question; And other matters bearing on the subject.

## CONSTITUTIONAL REFORM.

THE STATE CONSTITUTIONAL ASSOCIATION TO THE CORRESPONDING COMMITTEES.

Fellow-Citizens: The Executive Committee of the New-York State Constitutional Association congratulate the Friends of Reform on the cheering Progress and Prospects of the Project of Governmental Reformation. The frequent demands from all quarters of the State for fuller information concerning the objects and progress of the Reform Movement, have caused an arrangement for supplying the required intelligence through the medium of the "Democratic Reformer"—a journal to be issued in Albany semi-monthly, or as often as circumstances may require and means shall justify—for the convenience of reference in the discussion of various important questions involved. This intelligence will be presented, as far as practicable, in the shape of Addresses and Memorials and Resolutions emanating from Public Meetings—of Speeches and Letters and Essays from efficient friends of Reform—and of comments from the great mass of Democratic Journals, whose editors have sustained the cause with a degree of intelligence and disinterestedness that reflects credit on the Press and the Republic. The manifestations of opinion through those channels are signally satisfactory; and it may be truly said, in the language of one of the prominent Democratic newspapers, (a remark repeated substantially by many prints,) that "never have we known any matter of policy, whether State or National, so promptly and enthusiastically embraced and sustained by the Democratic Journals of the State of New-York"—more than forty of those journals, and a majority of the recent Democratic County Conventions, having signalized their devotion to the cause by the most emphatic declarations and resolutions in favor of reforming the State Government.

The cheering prospects of success, however, should not abate exertion for vindicating Popular Rights and Reforming the abuses of Government. The Executive Committee would, therefore, now repeat the request made at the commencement of this movement through their Circular in July, "that the friends of Reform will perseveringly use their influence in extending information among their fellow-citizens, and in causing the principles of the Constitutional Association to be stated distinctly and emphatically in every Democratic town or county caucus or convention, and particularly in the meetings of the Democratic Reform Societies that are or may be organized in their respective towns and counties."

It is also suggested to the friends of the cause, that much good may be accomplished and valuable information elicited through the discussion consequent on the inquiries propounded to candidates for the Legislature at the approaching election; and with this view



the Corresponding Committees or other Democrats in each county are invited to consider the expediency of questioning candidates for the Senate and Assembly on these among other points—1st, Whether they are favorable to, and if elected will vote for, a law allowing the People the exercise of the Elective Franchise in determining at the Polls, as the People determined in a former case, for or against calling a Convention to revise the Constitution—2nd, Whether those candidates will, if elected, and until the Constitution can be amended so as to forbid the creation of public debt without a direct appeal to the People, vote against all projects involving the necessity of burthening the State with further debt except for defence; and, 3d, Whether they are in favor of allowing the People the exercise of the Elective Franchise in choosing all officers that can be chosen through the ballot-boxes in their respective towns, counties and districts, and in the State at large?

In reference to the plan of reforming the Constitution through the instrumentality of a Convention rather than by further attempts at legislative amendment, a subject discussed in Morris and Sedgwick's speeches, and other documents already published—it is deemed necessary merely to remark in this place, that the Legislature has for several years steadily resisted all attempts to circumscribe its own authority, as shown in the repeated rejection of the Herkimer and other propositions for restricting the debt-creating power; and there is apparently no sound reason why the advice of Jefferson should not be followed by the People in demanding a Convention for revising the Constitution every twenty years—advice on which the People of this State have seemingly acted hitherto, if we may judge from the "precedents" furnished by the facts that a Convention for amending the Constitution for comparatively unimportant purposes was held in 1801, some four-and-twenty years after that instrument was formed; and that another Convention was held in 1821, which framed the Constitution that is now sought to be amended after more than 20 years' experience

The Executive Committee cannot refrain now from specially invoking Public Attention and Public Respect towards those independent editors who have signalized their devotion to Democratic Principles by fearlessly asserting Popular Rights in reference to a Reform of the State Government—a reformation which shall bring home to the Electors a fuller participation in the important functions of appointing public officers, restricting legislation against burthening the State with Public Debt and Taxation, and preventing further sacrifices of Popular Rights at the shrine of banks and other corporate monopolies. The language of the Editor of the New-York Evening Post—himself one of the noblest champions of the democratic cause, as he is one of the most distinguished ornaments of American literature—is emphatic in truthfulness, and may be adopted as the sentiment of this Committee:—"We can hardly speak in too high terms of the manly and sensible view which most of the democratic presses of the interior

have taken of the project for so amending the Constitution as to put a curb upon the despotism of the State Legislature. It is a measure in which speculators and projectors cannot co-operate, and which, if supported at all, must be supported only from a conviction that it is necessary to the public safety and welfare—if adopted, it will doubtless crush many schemes of personal advantage, over which their fancies are now constantly brooding.—The readiness with which the Democratic Press of the State support this movement, therefore, does them the greatest credit. It is the utterance of their disinterested judgment; and we are happy to see it so forcibly and fully expressed."

Communications and suggestions are freely invited from all friends of Reform, on subjects deemed essential in the progress of the movement. It is hoped that each Corresponding Committee will communicate with the Executive Committee at least once every ten days; and we trust that everywhere throughout the State exertions will be made to organize associations for promoting the cause—a cause which, just and popular though it be, has to contend with the hostility, the insidious rather than avowed hostility, of trading partizans who have long fattened on the "drippings of unclean legislation" and revelled in the stews of political corruption.

It is hoped and believed that all correspondents who have written inquiringly to the Executive Committee, or to either of the members individually, respecting the objects of the Reform movement, will find satisfactory explanations in the various speeches from Colonel Young, Mayor Morris, Michael Hoffman, Mr. Loomis, Mr. Sedgwick, and other well-known Democrats.

CHARLES S. BENTON of Herkimer,  
HENRY W. STRONG of Rensselaer,  
HUGH T. BROOKS of Wyoming,  
HENRY R. SELDEN, of Monroe,  
R. H. WILLIAMS, of Yates,  
HIRAM McCOLLUM of New-York,  
LORENZO SHERWOOD of Madison,  
GEORGE W. CLINTON of Erie,  
HENRY O'REILLY, Albany,

Oct 19, 1843

Executive Committee.

✍ Editors of papers friendly to the cause of Reform are requested to publish the above.

### FACTS FOR THE PEOPLE.

✍ Friends of Reform in different parts of the State, who are desirous of circulating such information as is contained in this Collection of Documents on the Reform Question," are requested to forward their orders *immediately* (by the return mail, if practicable,) for such number of copies of this paper as they may want. The type will be kept standing a few days for the purpose of supplying such orders. at \$3 per hundred, to cover the cost of printing. And, as it is desirable to ascertain the precise extent to which the public Journals and public assemblages have expressed opinions on the Reform Operations, the Editors generally through the State are respectfully requested to send to the "Democratic Reformer," copies of their paper which have contained any articles or proceedings concerning the subject.

## ORIGIN AND PROGRESS OF THE PRESENT MOVEMENT.

("The present movement," we say, as other efforts have been made—Vide Col. Young's letter, &c.)

### THE HERKIMER MEMORIAL—THE PEOPLE'S RESOLUTION.

The firmness with which the Democracy of Herkimer have persevered in advocacy of Constitutional Reform, has excited the admiration of right-minded Democrats generally throughout the State. It may be interesting to trace the progress of their movements for Reform, from the time when, at a county convention in Herkimer in September, 1839, their first resolution on the subject of restricting legislation in the debt-contracting power was adopted, down to the period of 1843, when the circular of the State Constitutional Association and the letter of Michael Hoffman presented a more extensive plan of Reform—a plan comprehending a thorough revision of the Constitution in many other points essential to the public welfare, as may be seen by those documents printed elsewhere in this paper.

About the time of the presentation of the Herkimer memorial at the last session of the Legislature, in March last, the Mohawk Courier recapitulated the various expressions of opinion uttered by Democratic Conventions in that county on the subject of Reform—the first of which expressions occurred in September, 1839, when the Hon. Charles S. Benton, now member of Congress elect, brought forward a resolution in the following words:

"Resolved, That for the purpose of preserving the honor and credit of our noble commonwealth, and transmitting unimpaired to our posterity the inestimable blessings of liberty and representative government, this convention doth earnestly recommend an amendment of the Constitution of this State, as speedily as the constituted forms of proceeding will admit, providing an absolute prohibition against creating in future any State debt, or selling or loaning the credit of the people in any case whatever, except on the extraordinary occasions of a foreign war or domestic violence and insurrection."

This resolution was, after remarks from the mover and V. Owen, unanimously adopted. The subject forthwith attracted considerable attention; and at a subsequent Democratic Convention, on the 26th October of the same year, a confirmatory resolution was reported by a committee consisting of Messrs. Atwater Cook, John Dygert, Benj. Carver, John W. Beckwith and A. L. Hemenway—which resolution was in these terms:

"Resolved, That the unprecedented and lamentable condition of our State credit and finances, peremptorily demands the adoption of measures which shall effect a constitutional expulsion of the speculating and stock-jobbing interest from the halls of legislation; and we cordially recommend to the public attention the resolution adopted at a recent Democratic County Convention, proposing an amendment of our State Constitution."

"It may not be improper to remark here," says the Mohawk Courier, "that the Convention last referred to consisted of fifty-three delegates representing eighteen towns, and numbered among the delegates many of the worthiest and most substantial Democrats of Herkimer."

"In the autumn of the following year, Messrs. Hoffman and Loomis were elected to the Assembly. Before the convening of the Legislature in 1841, the proposition for amendment was again

brought before the public in the columns of this paper, and on the suggestion of Judge Loomis, with which we cordially concurred, such a modification of the original resolution was advised as *would contemplate the reference of all laws creating debts, &c., to the electors of this State for their approval or rejection.*

"That the resolution thus modified was brought before the Assembly by Judge Loomis, is legislative history; and we know in adopting the course they did, Judge L. and his colleague desired only to discharge a duty devolved upon them by the strong expressions of the public voice in this county; that they did not regard the proposition as their own only as it embodied the common sentiment of their constituents and themselves; and that explanations to this effect were made to the Assembly while the subject was pending before that body.

"So much we have to say of the origin of the proposed amendment, so far as the same may be justly deemed to have originated in this county. The principle involved, however, is not, we venture to say, novel in the Republican code. And we cannot resist the conclusion, from a view of the impending dangers, that a constitutional expulsion of the stock-jobbing, speculating and log-rolling interest in every shape, from the Legislature of this State, can alone secure to the people the rights of a substantial and real representation—infuse a pure public spirit into all the measures of the constituted authorities, and save the State of New-York from being 'owned, bought or sold.'"

The efforts made in the sessions of 1841–2 for the adoption of the resolution, commonly known as the "People's Resolution," proposed by Mr. Loomis,\* for amending the Constitution in reference to the debt-creating power, having proved ineffectual—the subject was revived by the Democracy of Herkimer in a convention held in the winter of 1843, when a Memorial to the Legislature was adopted, enforcing the doctrine of the People's Resolutions—which memorial, with the accompanying resolutions of the convention, along with Judge Loomis's late excellent letter, will be found in the next 'Reformer.'

[Judge Loomis's "People's Resolution."]

"\*Resolved, That the Constitution of the State be so amended, that every law authorizing the borrowing of money or the issuing of State stocks, whereby a debt shall be created or increased on the credit of State, shall specify the object for which the money shall be appropriated; and that every such law shall embrace no more than one such object, which shall be single and specifically stated, and that no such law shall take effect until it shall be distinctly submitted to the people at the next General Election, and be approved by a majority of the votes cast for and against it at such election: That all money to be raised by authority of such law be applied to the specific object stated in such law, and to no other purposes whatever, except the payment of the debt thereby created or increased. This provision shall not extend or apply to any law to raise money for the purpose of suppressing insurrection, repelling a hostile invasion, or defending the State in war."

## PROGRESS OF THE MOVEMENT after the failure of the HERKIMER MEMORIAL.

The following article, prepared on the 7th of June for the Albany Atlas (with which journal he was then connected) by the Secretary of the State Constitutional Association, will, through its quotations from the Mohawk Courier, sufficiently explain the views entertained in Herkimer county—views, it may be added, which many Democrats elsewhere had cherished for some time—respecting the necessity of a Convention; some of those Democrats, including the writer of the article for the Atlas, having previously advocated the call of a State Convention for the purpose of making the Reform of the Constitution more extensive than was contemplated by the single proposition on the financial question embraced in the "People's Resolutions" and the subsequent "Memorial" from Herkimer.—Annexed are the remarks of the writer in the Atlas:

"The readers of this paper are already aware that we have frequently urged the propriety of a State Convention to revise the Constitution—for the purpose, especially, of placing checks on legislation at points wherein experience shows that restriction is necessary to the preservation of Public Credit and Popular Rights, by preventing an increase of debt and consequent taxation. Although favoring the project of a Convention for thorough revision rather than any mode of partial amendment, we submitted with deference to our Democratic friends in Herkimer, who have been foremost in urging this good work of reform. In an article which the Mohawk Courier copies from our columns, we suggested whether, as the Legislature failed to act decisively on the Herkimer Memorial, it would not be appropriate for the Democracy of that county to meet again, and present their project to the people generally, in a form calculated to insure immediate and concerted action among the friends of reform throughout the State.

"It seems, by the article which we now quote from the Mohawk Courier, (the able expositor of the views and feelings of the Democracy of Herkimer,) that no further action is now deemed necessary in that quarter, as the proceedings of the Herkimer meeting which framed the "Memorial," provided for the call of a State Convention in the contingency of non-action on the part of the Legislature. With this explanation, showing our hearty concurrence in the views of our friends in Herkimer, we invite attention to the annexed article from the Mohawk Courier. So let the ball roll on!

[From the Mohawk Courier.]

"We are rather inclined to doubt the propriety of the proposition of the *Albany Atlas*, suggested a week or two since, and reiterated in an article given in a subsequent column, that "the Democracy of Herkimer should again assemble in Convention, and present the object of Reform to the public—a reform which is demanded by every consideration of policy and safety."

"The Convention of February last, that sent their Memorial to the Legislature, anticipated the possibility of failure in the representative body to grant their requests, and they, at the same time, solemnly recognized the alternative, and the only alternative left them, in the following resolution, in case of such failure:

"Resolved, That if the Representatives of the People now in discharge of their legislative functions, will not, or cannot agree to propose to the People, the amendments to their Constitution necessary to secure their rights against the errors and abuses of unre-

stricted legislative power over expenditure, debt, banks, currency and trust funds, and shall decline to call a Convention, then it becomes the solemn duty of all citizens, resolved at every hazard to be free and transmit that freedom to their successors, to unite their efforts to call a CONVENTION TO AMEND THE CONSTITUTION; and that those only who desire to subject their fellow citizens to the most odious bondage to foreign capital, and bring a premature blight upon our institutions, can, under such circumstances, consistently resist it."

"Having presented deliberately this alternative proposition to their fellow citizens of the Democratic interest in the state, the Democrats of Herkimer can scarcely be expected, at present, to offer any other. They call for a CONVENTION. Will not their brethren throughout the state, friendly to reform, respond in due time, and suggest other methods of proceeding, if the convention is though impracticable? We unhesitatingly declare "for a convention to revise the Constitution," because such a measure contemplates a direct appeal to the people, and because it is in accordance with *Jeffersonian Democracy*. As late as 1816, Mr. Jefferson, in the seclusion of private life, and in the coolness of wisdom, held the following language to Mr. Kerchival, in relation to constitutional amendments and reforms:

"Each generation is as independent of the one preceding, as that was of all which had gone before. It has then, like them, a right to choose for itself the form of government it believes most productive of its own happiness: consequently to accommodate to the circumstances in which it finds itself, that received from its predecessors—and it is for the peace and good of mankind, that a solemn opportunity of doing this every nineteen or twenty years, should be provided by the Constitution, so that it may be handed on, with periodical repairs, from generation to generation, to the end of time, if any thing human can so long endure."

"It is now over twenty years since the 'solemn opportunity' has been given to the people of this State to revise their constitution in convention; and we certainly cannot see how any friend of popular government can question the propriety of thus submitting the great and vital questions of policy to the wisdom and patriotism of the people themselves, at the present time.

"The noble and gloriously triumphant Democracy of the city and county of New-York, could now set the BALL OF REFORM in motion more effectually than that of any other part of the state. By millions of ties and influences, they can speak to every portion of our State, and we do not doubt, but that any well considered and digested movement on their part would call forth the favorable responses of the untiried Democracy of the country.

"What say you, men and brethren?"

[For response to this inquiry, see succeeding pages.]

## HERKIMER MEMORIAL.

This important document written by Mr. Hoffman, together with a letter from Judge Loomis, and other interesting papers on the Reform question, are unavoidably deferred till the next number of the Reformer.

The next number of the Democratic Reformer will also contain a complete collection of the Essays of "E. P. H." on the question of Constitutional Reform—essays which have already elicited much approbation from the press

## ORGANIZATION FOR PROMOTING THE CALL OF A CONSTITUTIONAL CONVENTION.

### PROGRESS OF THE CAUSE OF CONSTITUTIONAL REFORM.

The extent and character of the movement for Constitutional Reform, may be inferred from the correspondence between the State Association and sundry friends of Reform in different sections of the country. A portion of that correspondence is annexed, (and further letters will appear in subsequent numbers of this journal,) together with certain proceedings of public meetings held at Herkimer and New-York city in furtherance of the cause. That the proceedings may be understood in their proper connections, they are generally inserted in the order of dates—and the first circular from the Executive Committee of the State Constitutional Association is herewith also published, that the reader may be the better judge of the hearty response which that circular has elicited from the friends of Reform nearly every where throughout the State—from public meetings, from corresponding committees in the different counties, and from the conductors of a large portion of the independent Democratic journals:

#### CONSTITUTIONAL ASSOCIATION

For promoting reform in the Constitution and Laws by a fuller recognition of the Democratic principle.

ALBANY, July 4, 1843.

Sir—The New-York Constitutional Association for promoting Reform in the Government—an Association of which Michael Hoffman is president—have selected you as one of the Corresponding Committee for the county wherein you reside—under the belief, founded on your known views of State policy, that you will cordially co-operate in the design of restricting the Legislative, Executive and Judicial Authorities—in checking or regulating the progress of debt-creating, tax-imposing and monopoly-favoring legislation—in reforming the courts by abolishing the lumbering and expensive technicalities and formalities of legal and judicial proceedings—in forbidding all special legislation inconsistent with Equal Rights, whether affecting banks or other corporations or individuals—and for preventing Executive abuses of the Appointing Power, by recognizing more thoroughly the Democratic principle in restoring to the people the right of choosing all officers that can be consistently elected through the ballot-box in their respective counties or districts, or in the State at large.

It is proper to add, that in selecting the committeemen located in different sections of the State, the Association have named only those gentlemen whose general efficiency in supporting democratic principles warrants the belief that they will promptly and perseveringly promote the great work of Reform, by using their influence through the press or in public meetings, or in their ordinary intercourse with their neighbors—and by communicating their views and suggestions frequently to the Executive Committee, for advancing the good cause in whatever way that cause may be honorably and efficiently promoted.

Circulars will be forwarded to you occasionally, apprising you of all movements made by the Executive Committee and the General Association for which it acts, in the hope that you will use your influence in extending the information among your fellow-citizens, and causing the principles of the Reform movement to be stated

distinctly and emphatically in every democratic town or county caucus or convention, and particularly in the meetings of the Democratic Reform Associations that may be organized in your town or county.

It is hoped that immediately after the receipt of this letter, and as often after as practicable, you will favor the General Association with your views on any matters calculated to promote the extension of popular rights and the purity of our government.

Regular meetings of the General Association will be held during this summer and the next fall in different quarters of the State, at which your presence is respectfully invited; and the first of the series of meetings will take place in New-York city during the first or second weeks of August, when addresses will be delivered by men distinguished in the Democratic ranks, for the purpose of illustrating the principles of the Association, enforcing the necessity of a thorough revision of the Constitution, and urging immediate preparatory movements for securing the call of a State Convention by the next Legislature, now while the public mind is temporarily freed from gubernatorial conflicts and other electioneering influences in our State politics.

In behalf of the Association,  
CHARLES S. BENTON, of Herkimer;  
HENRY W. STRONG, of Rensselaer;  
HIRAM M'COLLUM, of New-York;  
HUGH T. BROOKS, of Wyoming;  
HENRY R. SELDEN, of Monroe;  
R. H. WILLIAMS, of Yates;  
GEORGE W. CLINTON, of Erie;  
LORENZO SHERWOOD, of Madison;  
HENRY O'REILLY, of Albany,

*Executive Committee.*

Any communications for the General Association or the Executive Committee, may be sent, free of postage as far as practicable, to the care of the Secretary, Henry O'Reilly of Albany.

### RESPONSE FROM CITY OF NEW-YORK

From the New-York Evening Post.

At an adjourned meeting of the New-York City Association to reform the Constitution of this State, on Tuesday evening, July 18th, at the Shakspeare Hotel, William-street, the following persons were chosen permanent officers of the Association:

President, A. D. Wilson; Vice-Presidents, Hiram McCollum, John Windt; Treasurer, J. S. Schultz; Corresponding Sec'y, F. Byrdsall; Recording Sec'y, Edward Smith.

The following was adopted as a statement of the "Objects of the New-York City Constitutional Reform Association:"

1. To procure the nomination and election from this county of legislative agents decidedly in favor of a State Convention for reforming the Constitution of the State.

2. To co-operate with the State Association in its endeavors to procure similar action in the other counties of the State.

3. To propound for the consideration of the people of the State, such measures of constitutional reform as may be deemed desirable and just.

A committee of arrangements for a mass meeting on the 15th of August was chosen, consisting of Messrs. J. Commerford, E. P.

Hurlbut, J. Bogert, D. D. Smith, and J. W. Brown.

A committee of three for admission of members was chosen, consisting of Messrs. A. D. Wilson, J. S. Schultz, and F. Byrdsall.

The following preamble and resolutions were unanimously adopted:

*Whereas*, The New-York City Constitutional Reform Association has heard with great satisfaction, that a general feeling exists throughout the State in favor of such a Constitutional Reform as shall protect the people from being burdened with any new public debt, unless incurred by their direct consent; and also in favor of such other reforms as will secure to every citizen his just and equal rights, and forever deny all legislative authority to prohibit or throw restraints around any honest business pursuit; and also to prevent all special legislation that shall confer, by way of charter or otherwise, upon any class of men, privileges which are withheld from others:

*And whereas*, In the opinion of this Association, the action of the State Legislature during its last three sessions plainly indicates that we should no longer trust to any initiatory steps in the work of Constitutional Reform, unless the people take the precaution to elect as members of that body, men who are deeply imbued with true principles, and who will go pledged to carry out in good faith the wishes of their constituents: Therefore,

*Resolved*, That we heartily approve of the movement for calling a State Convention to alter, revise and amend the present Constitution of the State in such a manner as to obtain all necessary reforms: and we do assure our fellow-citizens throughout the State, that no exertion shall be wanting on our part, to give success to the great movement, by sending honest and resolute delegates to the next legislature.

*Resolved*, That a mass convention be held in the city of New-York, on Tuesday, the 15th day of August next, for the purpose of advancing the object in view, and that a committee of five be appointed to make the necessary arrangements.

*Resolved*, That we have much confidence in the political integrity and abilities of the Hon. Samuel Young, and we hereby earnestly invite him to attend the mass convention in this city, and explain his views in relation to the great objects, for the accomplishment of which, the "New-York State Constitutional Association for promoting Reform in the Government," has been organized.

*Resolved*, That the corresponding secretary transmit a copy of these resolutions to the Hon. Samuel Young.

Adjourned to meet at this place on Thursday evening, 27th August.

H. McCOLLUM, *Pres't pro tem.*

F. BYRDSALL, *Sec'y pro tem.*

#### FURTHER PROCEEDINGS.

At a public meeting of the members of the New-York City Constitutional Reform Association, and of other persons in favor of reforming the Constitution of the State, held on Thursday evening, July 27th, at the Shakspeare Hotel, corner of Duane and William-streets, the following resolutions, among other proceedings preparatory to holding the mass convention in this city on the 15th instant, were adopted by the meeting, and ordered to be published:

*Resolved*, That the great work of Constitu-

tional Reform now in progress in this State is a measure of essential importance to the people, and that it presents paramount claims to the counsels of the most experienced, wise and virtuous citizens: Therefore, we hereby cordially invite the Hon. Churchill C. Cambreleng, of Suffolk county; the Hon. Michael Hoffman and Arphaxed Loomis, of Herkimer; Gerrit Smith and Lorenzo Sherwood, of Madison; Hon. Albert H. Tracy, of Erie; Hon. Henry W. Strong, of Rensselaer; Hon. Silas Wright, of St. Lawrence; Hon. Azariah C. Flagg, Henry O'Reilly, Esq. and Hon. George P. Barker, of Albany, to attend and address the mass convention appointed by this Association to be held in this city, on Tuesday, the 15th instant, on the subject of Constitutional Reform.

*Resolved*, That the corresponding secretary communicate to the gentlemen above named, the foregoing request.

Adjourned to meet at the Shakspeare Hotel, corner of Duane and William-streets, on Thursday evening, the 10th August next.

ABRAHAM D. WILSON, *President.*

EDWARD SMITH, *Secretary.*

#### THE HERKIMER DECLARATION.

A meeting of inhabitants of Herkimer county was held on the 24th of July, for the purpose of responding to the circular of the State Association for promoting Constitutional Reform.

"The men of Herkimer, always in the front rank of the conflicts for liberty," says the Mohawk Courier, "have now taken the field in favor of Constitutional Reform, in a manner worthy of their old renown. An account of their proceedings is given below. They will be read with intense interest, and will carry joy to the bosoms of thousands of those patriotic freemen who are now rushing like a torrent into the ranks of the Reformers. We invoke our brethren every where to imitate the noble stand taken by Old Herkimer. She has lighted up the watch-fires of the Revolution anew upon her forest-clad heights. Her shout calls us to service in that warfare which, although bloodless, can scarcely be less glorious than that which achieved our national independence."

Humphrey G. Root was appointed Chairman, and J. L. Hamilton, Secretary; when a committee consisting of the Hon. Charles S. Benton, (M. C. for the Herkimer District,) M. K. Gains, Gen. F. E. Spinner, Ralph Merry and Gordon Farmer, reported the following Declaration of Principle, which was unanimously adopted, signed by nearly all present, and ordered to be circulated for further signatures. [This is the document, from the pen of Mr. Benton, which E. P. Hurlbut of New-York, himself one of the best political writers in the land, declares, in a letter elsewhere published, to be unsurpassed by any production which he had ever read respecting the Rights of Man and the Theory of Government.]

#### *Declaration of Principle.*

The American Revolution achieved much for mankind. In theory, it discarded the legitimacy of Kings, and brought up the people to the place of sovereignty. In practical consequences, it made great and salutary departures from the cumbrous structures of the past. Our ancestors were, however, accustomed by early education to the forms and practices of old governments; and although they asserted great principles with sufficient boldness, they failed to reduce practical forms, in the details of affairs,



to a perfect harmony with those principles.—We do not complain. The Fathers of this Republic have done well in their day and generation. Let their posterity discharge their duty with equal fidelity as it advances from the immeasurable vista of the future, and we have no fear of the judgment of faithful history upon the character of our beloved country.

We are assembled on this occasion to avow our faith in the high destiny of our race—in its advancement towards universal enfranchisement. If the utterance of this sentiment shall provoke the aspersions upon us that we are malcontents and disorganizers, we have to plead that all we desire is to be true to the mission of our free institutions—that the principles of our Revolution shall be borne forward to their legitimate results: in a word, that we may realize the forms and spirit of liberty and equality which Mr. Jefferson has beautifully defined as a "wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of Labor the bread it has earned.

There is no more palpable truth in common life, than this—that a man who entrusts the entire control and supervision of his estates to agents will soon find himself on the road to ruin, and ere long a houseless wanderer, begging bread. This is the teaching of universal experience by constantly occurring examples.

Is it not a reasonable deduction, that the people who confide the exclusive management of their affairs to governmental agents, will soon become bankrupt of liberty? The history of the past is a continuous catalogue of butcheries, oppressions, robberies and enslavement of mankind, by governments; and all under the specious pretence of promoting the "public good!" Hence our ancestors clearly saw the necessity of limits and restraints upon those clothed with governmental authority; and they fixed those limits and restraints upon all delegated power, so far forth as they, from their experience and lights, deemed it to be necessary.

But governmental power is always warring with its boundaries. Former limitations have been disregarded and over-passed: besides, the repeated abuse of delegated powers supposed in themselves to be harmless, now demands the erection of new safeguards, and the imposition of additional restraints. In the advancement of population, wealth, enterprise, and above all, of luxurious habits and aristocratical opinions and practices, corresponding and cotempaneous changes in the organic law are required for the safety of the million against the usurpation of the thousand. Mr. Jefferson was clearly of opinion that the State Constitution should compel its own reference back to the people for revision and repairs, as often as once in twenty years.

The great object of our present struggle should be to bring back government to its legitimate functions. "Restrain men from injuring one another, and leave them otherwise FREE." *"This is the sum of good government."* Need we recount the departures from this simple maxim, by legislation, for twenty years elapsed? It would prove a task of almost insuperable difficulty! The country teems with favored classes—favored, by governmental interposition, with charters and corporate immunities—with privileges more or less exclusive, constituted too often of the usurped rights of individuals;

too often, if not always, vested wrongs in the guise of vested rights—and government partnerships with corporations squandering the public credit, corrupting the public morals, and paving the way to accumulating taxes! The retrogressive movement to centralization has been strong and rapid, bearing down many of the old landmarks of liberty; and it must be arrested, or responsible government—that is to say, responsibility to the people—will soon be at an end.

Large masses of the freemen of this state have long since discerned these insidious advances of encroachments upon individual rights, and have raised their voices above the din of partisan warfare. But they have been betrayed, deceived. The ordinary functions of legislation have been appealed to for redress, in vain. A fatal and paralyzing spell has bound the representatives of the people. A single alternative is left, and that is an appeal to the great constituent millions to arouse and demand, through the instrumentality of a Convention of Delegates, such organic changes as the exigencies of the times and the preservation of the rights of the citizen would seem to require.—It is in this manner, and in this manner alone, that the limitations which experience has proved absolutely necessary, can be placed on all delegated power:

That the rights of the citizen, lost in the vortex of legislative usurpation, can be resumed by the people:

That the separation of the legislative, executive and judicial departments, vitally important in political science, can be effected so as to insure the independent action of the parts without a preponderating influence in either:

That the power of contracting public debts can be restrained within safe and proper limits:

That Privileges can be eschewed and Rights secured in their stead:

In short, that a system can be devised and adopted in harmony with Democratic Progress, which shall furnish the strongest possible inducements to every elector to form the most intelligent opinion of every important public measure, and to declare that opinion by his vote at the polls of election.

Entertaining such like impressions, the friends of Constitutional Reform in German Flats have resolved to make this declaration of them, and to unite with their brethren throughout this State in efforts to promote a reformation worthy of this age and country, and honorable to freedom.

The objects of this association are, mainly, First—To effect such organic changes in our present system as shall more effectually secure the rights of individuals against the usurpations and unnecessary exactions of governmental power, and secure economy and efficiency in the administration of government:

Second—In pursuit of this object, to use all proper means to procure the calling of a Convention of the people of this State, clothed with authority to revise and amend the existing Constitution:

Third—To disseminate among the electors such knowledge of the present condition of our State affairs as shall enable them to act understandingly at the ensuing elections.

Fourth—To co-operate with the New York State Association in the promotion of a thorough Constitutional Reform of the Legislative, Executive and Judicial Authorities.

## PROCEEDINGS OF THE NEW-YORK CITY REFORM CONVENTION.

From the New-York Evening Post.

A Mass Convention of the citizens of the city of New-York, was held at the Broadway Tabernacle in the afternoon and evening of the 15th August, 1843, pursuant to a call of the New-York City Constitutional Reform Association.

Robert H. Morris was appointed to preside.

Abraham D. Wilson, President of the Association, read the following letters from gentlemen who were invited to attend and address the Convention:

[The letter of Mr. Hoffman, President of the State Constitutional Association, having been previously printed in the papers was not read in the Convention; but is published elsewhere in this journal.]

Letter from Senator Silas Wright.

CANTON, 12th August, 1843.

My Dear Sir—Your favor of the 29th ult. reached me this day. I am unable to say when it reached my residence, having just returned from an unusually protracted absence, and found it, with a very large file of letters brought by the mails during that period.

It would have been impossible for me to have visited the city at the time the invitation of the Association reached me in due course, and my great fear is that this note cannot reach you in time to save me from the suspicion of intentionally treating their request with neglect. I therefore hasten to enclose it, in the hope to save our mail of this evening, and am therefore prohibited from attempting a single remark in reference to the objects of the Association. It is but candid, however, to state that my acquaintance with these objects in detail, beyond the movement of our friends in the county of Herkimer having particular reference to what has been called Mr. Loomis's resolution, is too imperfect to enable me to speak of them with intelligence or profit, even were time allowed. The conviction, which the experience of several years last past has fastened upon my mind, that the credit of the people would be much safer in the hands of the people than in the hands of their servants, has induced me to look very favorably upon that resolution.

You will do me the favor to present my sincere thanks to the Association for their undeserved compliment, as well as to make my apology for this very late and brief notice of it; and believe me,

Very respectfully,

Your obt<sup>d</sup> serv<sup>t</sup>.

SILAS WRIGHT.

F. Byrdsall, Esq., Cor. Sec'y, &c.

Letter from Henry O'Reilly, Secretary of the New-York State Constitutional Association.

ALBANY, Aug. 10th, 1843.

To the New-York City Association for Promoting Constitutional Reform.

GENTLEMEN—I have received, through your Corresponding Secretary, (Mr. Byrdsall,) a letter enclosing a resolution of your Society, inviting me, among others, to address the Mass Meeting to be held on the 14th of August, in the city of New-York, for the purpose of promoting a Reform in the Constitution on various points essential to the public welfare.

The intercourse which I have already enjoyed with your Society in furthering the objects of the

State Constitutional Association, renders it needless to use many words in assuring you of my hearty concurrence in the cause which you are zealously supporting. I will only add, therefore, that, though I will probably be amidst your assemblage, it must be as a spectator rather than as a speaker; for, however willing to comply with any requisition for service in the good cause compatible with my humble sphere, I could not permit myself for a moment to occupy the time of an assemblage that will probably be addressed, orally or otherwise, by such men as Samuel Young, Silas Wright, Michael Hoffman, Robert H. Morris, Gerrit Smith, Lorenzo Sherwood, Theodore Sedgwick, Charles S. Benton, and others who have been invited to co-operate on the important occasion.

With fervent wishes for a glorious consummation of your efforts in promoting the purity of Government and protecting the rights of the people "through a fuller recognition of the Democratic principle in our Republic,"

I subscribe myself, respectfully yours,

HENRY O'REILLY.

Letter from Ex-Lieutenant Governor Tracy, of Chango, to the State Association.

OXFORD, Aug. 1, 1843.

GENTLEMEN—Your communication, advising me of the proceedings of the Association for Promoting Reform in the Constitution, was duly received.

My acknowledgement of its receipt has been delayed by my absence from home. The experience of twenty years, under our present Constitution, has afforded a practical demonstration of the necessity of amendments to that instrument, to secure more effectually the rights of the people—to obtain a more prompt and less expensive administration of justice—and to "check or regulate the progress of debt-creating, tax-imposing and monopoly-favoring legislation."

As one of the means of making progress in the Reform movement, I venture to suggest the circulation of petitions to the Legislature in every county and town in the state; and that it be done soon, before the excitement of the fall election shall divert the public mind to more personal and local objects. It is a subject on which the calm and deliberate expression of the people is desirable, and the present appears to me to be a favorable time. I submit the suggestion, however, with deference to the better judgment of the Executive Committee.

Yours respectfully,

JOHN TRACY.

To Charles S. Benton, Esq., and others, of the Executive Committee of the New-York State Constitutional Association.

From Albert H. Tracy, formerly member of Congress.

BUFFALO, Aug. 5, 1843.

Sir—On my return home this morning after an absence of several weeks, I found your letter of the 29th ult., communicating the resolution of the "New-York City Association to Reform the Constitution of the State," which invites me to attend and address a Mass Convention, appointed by the Association, to be held on the 15th instant.

My grateful acknowledgments are due to the Association, and I pray you in my behalf to present them, for their great honor is classing me among "the most experienced, wise and virtuous citizens" of the State; and especially am I

flattered by their distinction of designating me to address a Convention which I am persuaded has been convoked by no motives but those of the purest patriotism and public virtue. Under these feelings and persuasions, it would afford me unfeigned pleasure to attend and participate in the proceedings of the Convention; but imperative demands of a business nature, which have compelled me to hurry away from my family, now on sea-board, and to return to this place, will inevitably detain me here for many days beyond that for the meeting of the Convention, and of course render impracticable a compliance with the request of your Association.

With much respect, your obt<sup>d</sup> serv't,

ALBERT H. TRACY.

F. Byrdsall, Esq., Cor. Sec., &c. New-York.

From Chas. S. Benton, Member of Congress from  
Herkimer.

ABBEY HOTEL, N. Y., Aug. 14th, 1843.  
To F. Byrdsall, Esq.

Dear Sir—I have already acknowledged the receipt of your kind invitation to attend and address the Mass Convention for Promoting Constitutional Reform, to be holden in this city on the 15th inst. I can yield to no one in strength of devotion to the principles sought to be promoted by your Association, if I rightly understand its objects; but I must peremptorily decline the honorable post assigned me by the courtesy of yourself and colleagues, for the sufficient reason, if there were none other, that strong and distinguished champions are at hand to do that work.

I am prepared to do battle in this great cause to the last, regardless of personal consequences, I trust, however, that I shall be permitted to contend in the capacity of a common soldier.

Be so kind as to tender my apology to your Association, and believe me with great respect and esteem, your obedient servant.

CHAS. S. BENTON.

Letter from J. C. Spencer, Secretary of the Treasury.

WASHINGTON, Aug. 9, 1843.

Sir—I am very much obliged to you and the committee you represent, for your polite invitation to attend a meeting of my fellow citizens of New-York, upon the interesting subject of a Reform of the Constitution of the State. My public engagements forbid my leaving this city, even for the essential purposes of recreation, and I am obliged, therefore, to deny myself the pleasure of being present at the meeting you mention. Very respectfully, your obt<sup>d</sup> serv't,

J. C. SPENCER.

F. Byrdsall, Esq., Cor. Secretary, &c. &c. New-York.

Letter from Gerrit Smith.

F. BYRDSALL, Esq., Corresponding Secretary of the New-York City Association to Reform the Constitution of the State:

Sir—I am this day favored with your letter. I thank you for it, and I thank the Association for the honor they have done me in inviting me to attend the Convention on the 15th inst.

I rejoice in this movement—in this progress of the great Democratic idea, and of the great Bible idea, that man is capable of self-government. I hope that I shall be able to do something to promote the objects of your Association; but I am so confined by business as to be unable to attend public meetings out of the county. I am, very respectfully yours,

GERRIT SMITH.

[Mr. S. referred the Convention to some of his published writings on Governmental Reformation]

Letter from L. Sherwood, Assemblyman from Madison.

HAMILTON, Aug. 2, 1843.

F. Byrdsall, Esq.

Dear Sir—I received yours of the 20th July, containing a resolution of the New-York Association for Constitutional Reform, and a very flattering invitation to myself to attend the Mass Convention to be held in New-York on the 15th of the present month.

I beg leave to assure the Association through you, of my most cordial approbation of its object. I most fully pledge myself to any course that may be instrumental in working out the purposes of safety, or that may tend to secure the people from future legislative imprudence. No one can be better assured than myself of the present and future insecurity of our financial matters, unless some constitutional bar is placed upon legislative authority. Added to this, I am in favor of abridging the Executive patronage; of reforming our Judiciary; in short, of doing what twenty years' experience might enable us, by way of adding to the wisdom of our Constitution.

If anything could afford me pleasure, it is the readiness with which our fellow democrats acquiesce in the necessity of Constitutional reform. It is gratifying to know that the motive that induces it can spring from no sinister purpose. A pure regard for the public good, for the honor and prosperity of the State—in other words, patriotism alone—is the foundation of the undertaking. No one can gainsay the object; and the question resolves itself into one of propriety or impropriety in reference to our susceptibility to improvement, as also our present and prospective security. Upon that score, I think few can doubt. We may ascribe much wisdom to the Convention that formed our Constitution; yet, they were not able to discern clearly all the new and growing requirements for Constitutional law. We may ascribe to the people much intelligence, as well as a more rigid determination to make representation responsible to its constituency; yet, with the present want of Constitutional restraints, every one must know that combinations of strength will too frequently overpower the popular will. In Legislative proceedings, a few days are adequate to the working out of mischief that will require years to repair.

I would be most happy to meet my Democratic brethren of the city of New-York at their proposed Convention, and will endeavor, if circumstances permit, to avail myself of the opportunity. In the mean time, should I not be permitted to attend, the Convention will accept my warmest wishes for the success of the cause in which they are engaged.

Most truly yours, &c.

L. SHERWOOD.

Letter from C. C. Cambreleng, former Member of Congress, and late Minister to Russia.

WASHINGTON, Aug. 10, 1843.

Sir—I have deferred answering your esteemed letter of the 3d instant, hoping that it would be in my power to accept your invitation, and attend the Mass Convention of the friends of Constitutional Reform, on the 15th instant; but my engagements are such as to render a visit to New-York at that time impracticable. I regret this sincerely, as I take a cordial interest in the cause, and should with pleasure co-operate with your Association in adopting efficient measures to reform existing abuses in government, and to

render our State Constitution more thoroughly democratic.

The time you have chosen for this patriotic effort, is peculiarly favorable. The unparalleled severity of the late revulsion, affecting all classes and all parties, has convinced a large majority throughout the Union, that the principles contended for by the Democracy are the surest safeguards of order, morals, public credit and public justice. Many of our most strenuous but candid opponents have become convinced by the recent legislative struggles, not only in our own but other States, that the public interest was not a primary consideration with the party which they had supported, and that the credit and faith of the State would have been sacrificed, but for the fearless and patriotic efforts of those whom they had been taught to believe unfriendly to a government of law and order.—The noble stand taken by our friends in the legislature, saved us from the heavy embarrassments which have, for a time, prostrated the credit of too many states. Another year of profligate legislation would have involved our state either in hopeless bankruptcy or endless taxation. New York has happily, escaped the storm which has swept away the credit and resources of some of her sister states. But the danger is not over. We know by the past what we have to fear from future and corrupt combinations of private interest, when supported by a profligate political ambition; and now is the appropriate time to protect, by the strongest constitutional limitations and restrictions, the labor, property and rights of the community, from partial and unjust legislation, and to arrest the progress of a system of government which leads to universal and perpetual taxation. Wishing success to a cause so patriotic, I am very respectfully, your obedient servant,

C. C. CAMBRELENG.

F. Byrdsall, Esq. Cor. Sec'y. of the New York City Association to Reform the Constitution of the State.

Letter from Senator Strong.

TROY, August 10, 1843.

Dear Sir—I regret very much, that owing to my absence from home your favor of the 29th inst. did not reach me in season to enable me to reply to it at an earlier period. Fully sympathizing, as I do, with the views of those who believe in the necessity of a prompt and thorough reform of the various evils and abuses which are conceded by all to have a practical existence under our present Constitution, it would afford me great pleasure to attend your meeting in New York on the 15th inst. and aid by my humble efforts in a cause which has already enlisted the anxious feelings of a large portion of the Democracy of the State. My presence, however, will be required at that time at the Court of Errors, which commences its session in Albany, on the 12th inst.—a public duty, which I should not be justified in omitting to discharge.

For the honor conferred upon me by your Association, be pleased to accept my thanks—with an assurance that I look upon the movement in which they are engaged with the liveliest interest, and regard it as an auspicious omen of the progress of Democratic principles.

I am, with great respect,

Your obedient servant,

H. W. STRONG.

From Mr. Flagg, Comptroller of the State.

ALBANY, August 14, 1843.

Dear Sir—I have been shown a letter, in which, with others, I am invited to attend a mass meeting on the 15th instant, in the city of New York. This invitation comes in behalf of the New York Constitutional Reform Association.

The subjects of reform are not set forth in the letter I have received; but I learn from the proceedings of the association, that a limitation of the legislative power to contract debts is one of the objects, and such a reform I consider of paramount importance. Our free institutions are placed in more peril by the propensity to contract public debt, than from any other cause. All questions in regard to any new debts should be submitted to the decision of the people at the ballot boxes; and until the constitution is amended in this particular, the representatives of the people should submit every law to the verdict of their constituents.

I beg leave to suggest, also, that the question whether there shall be a Convention or not, should be submitted to the people for their sanction, as was done in 1821.

My pressing official duties will prevent my leaving Albany at the present time.

Respectfully your ob't serv't.

A. C. FLAGG.

F. Byrdsall, Esq., Secretary, &c. New York.

From Geo. P. Barker, Attorney-General.

ALBANY, Aug. 7th, 1843.

To F. BYRDSALL, Esq., Corresponding Secretary of the New-York City Constitutional Reform Association:

Dear Sir—I have the honor to acknowledge the receipt of the invitation to myself and others, contained in a resolution of the Association of which you are the Corresponding Secretary, to attend the Mass Convention appointed by such Association, to be held in the City of New-York on Thursday, the 15th instant, and to address the assemblage on that occasion.

Gratifying as it would be to me personally, to meet my fellow citizens on so interesting an occasion, the course of action I have laid down for myself while occupying my present position, constrains me to decline the invitation, with which I feel highly honored. The sacrifice is made with less reluctance from the consideration that it is merely personal, and in confidence that the cause of Constitutional Reform is in the hands of those for whom political progress has no terror, and who, while they wisely discriminate between a Constitutional Reform and a mere political change, are not to be deterred by the fear of doing a partial evil, from attempting a positive general good.

In this country all political power fortunately rests with the people in mass. By the Constitution of this State, all legislative power "is vested in a Senate and Assembly," unlimited and unrestrained, save by the provisions of that Constitution and that of the Union, and the principles of natural justice.

The experience of our own State, and indeed the general experience of this country during the last twenty years, has led me to the conviction, that, in one particular at least, and that the most important to the people at large, (to wit, the



power of borrowing money other than for the contingencies of war or the support of government, and the necessary incident of taxation to pay the debt,) too much has been confided to the unrestrained will of the representative; and I am firmly persuaded that this unlimited power, now by the provisions of the Constitution in the hands of the people themselves, where hands of the Legislature, should be again taken it can with greater security be trusted.

Although I deny myself the pleasure of joining in their deliberations, any action of that Convention, whether upon this paramount subject, or calculated in any way more effectually to secure the honor and credit of the State, and to guard the interests of the individual citizen against the imprudence of legislation; every effort on their part so to limit and restrain the action of government, that no general burden shall be cast upon the whole people without some corresponding benefit to the whole people, leaving local objects and private enterprises to the care and cost of those for whose special benefit they are designed; thus reducing the action of the government to the few and simple objects which alone render government necessary, and by the exercise of which alone (without individual or sectional oppression) can it be sustained—in a word, whatever action which is calculated to guard the future against a recurrence of the errors and follies of the past, shall have my warm approval, and my hearty support and advocacy.

Your Association has wisely selected the season for a cool and dispassionate examination of the momentous questions they meet to discuss, and they will hardly fail to find the ready concurrence of their fellow citizens, who with them are now reaping the bitter fruits of past legislative prodigality, from the effects of which, the hitherto fair fame of our beloved State has scarcely escaped untarnished.

With the fervent wish that your Association may be as useful as its objects are meritorious, I have the honor to be, with the highest consideration for yourself personally,

Your obedient servant,  
GEO. P. BARKER.

Robert H. Morris then rose, and, having stated the object of the Convention, proceeded to explain his views on the subject.

Theodore Sedgwick, Esq. next made an able address, pointing out the defects of the present Constitution, the abuses practised under it, and showing great need of reformation, especially in the judicial and executive departments.\*

The Convention was then adjourned, to assemble at 8 o'clock in the evening.

#### EVENING SESSION.

At eight o'clock in the evening the Convention re-assembled. The mayor called the meeting to order, and introduced to the audience

Lorenzo Sherwood, Esq. of Madison county, who announced that the Hon. Samuel Young was not present to deliver a lecture before the Convention, as was expected. [Vide the letter of Col. Young on this subject.] Mr. Sherwood then made an able speech, exposing the corruptions of the present political parties and their deleterious influences on the government of the state, and adduced strong reasons for a reform of the Constitution, to prevent further usurpations and abuses by the legislative and other departments of the government.

Mr. Hiram McCollum of New-York, member

of the Executive Committee of the New-York State Constitutional Association, by request of said committee, made the following statement of the objects of that Association, which were substantially like the ten articles at the conclusion of Mr Hoffman's letter:

The State Association desire to effect by clearly legal and proper means,

*First.* The establishment of limitations to delegated power in all cases where experience has proved their necessity.

*Second.* The resumption of those rights of the people which have been wrested from them by the hand of legislative usurpation.

*Third.* The separation of the legislative, executive, and judicial departments, vitally important in political organizations, so as to insure the independent action of the parts without preponderating influence in either, and to divest the legislature of all judicial power.

*Fourth.* The imposition of such restraints upon the power of creating public debts as will prevent the incurring of them without the express assent of the people, except as proposed by the Herkimer memorial, in case of war or insurrection.

*Fifth.* The absolute prohibition of grants of special privileges, and the most ample security of the rights of property and of labor, against the exactions of power.

*Sixth.* The security of the common school, literature, deposit and other trust funds, from conversion or destruction by the legislative power.

*Seventh.* The provision of safe and certain limits to the powers of all municipal and corporate bodies to create debts and inflict burthens on those residing or owning property within their taxing power.

*Eighth.* The limitation of the offices of government to functions strictly governmental, and to the smallest number that can insure efficient public service for a moderate compensation; and the reference of their appointments, as far as practicable, to the people and to the bodies nearest, most dependent on, and responsible to them.

*Ninth.* The provision for a convention of the people, as often as once in twenty years, to correct errors, reform abuses, and make all needed improvements to secure more effectually the equal natural rights of every man.

Hon. C. S. Benton, of Herkimer county, was then introduced, and made a short address, stating his acquiescence in the sentiments of the speakers who had preceded him, and pledging himself to a hearty support of the measure.

A. D. Wilson, President of the Association, then submitted the following:

The New-York City Association to Reform the Constitution of the State—having in view the promoting of concert of action towards the attainment of such organic reforms as are consistent with enlightened experience, the spirit of the age, the rights, safety and well being of the people—respectfully recommend to the friends of such reform in this and the other counties of the State, to support such candidates for the Senate and Assembly, as shall have publicly expressed their willingness to use their best efforts to obtain the concurrence of both houses in favor of a law for calling a State Convention to reform the Constitution.

Hon. John McKeon next addressed the Convention, and, after some further remarks by Robert H. Morris, the Convention adjourned.

ROBERT H. MORRIS, President.

\*[Outlines of the Speeches of Messrs. Morris and Sedgwick, are annexed to these proceedings.]

## LETTER OF MICHAEL HOFFMAN.

Letter from Mr. Hoffman, President of the State Association for Constitutional Reform.

HERKIMER, July 31, 1843.

Yours of the 25th inst., has been received, informing me, on behalf of the New-York city association to reform the Constitution of the State, that a mass meeting, on that subject, will be held in the city, on the 15th of August, and requesting me to attend and explain my views on Constitutional Reform. No invitation could be more agreeable; because no subject can be more worthy of our best efforts, and no portion of our people, can, in my opinion, have a deeper or more decided interest in a just and enlightened Constitutional Reform than the people of your city. But circumstances of a private and domestic nature may, and probably will, render it impracticable for me to attend your meeting. I will, therefore, through you and your association, endeavor, as well as I can, in a brief letter, to explain my views on the subject.

The whole rightful sovereign power of government extends and is limited to the making and executing of all necessary rules, general and impartial, plain and intelligible to all, which in their nature tend and are honestly designed to secure to every individual *his equal natural rights* against all fraud, injustice, oppression, and force—to industry the products of its toils; to all men their property, their personal security, their personal liberty, the freedom of opinion and speech, and the pursuit of their happiness by all ways and means not injurious to the equal rights of others. These the government must secure; more it cannot do. By the laws of nature, the constitutions of the country and the established general judgment, our People are the Sovereigns of the State and possess all rightful sovereign power. By a fatal and resistless necessity, they are responsible to God and man for all the acts and omissions of government. The errors of government are their errors,—the crimes of government are their crimes,—and both are visited upon them in their whole force of misery and infamy. In the form of their government therefore, all the just powers of government which from their nature admit of it, should be exercised by the people directly, and in the mode best calculated to enable them to form the most correct opinion, and express it in the most distinct manner. They should delegate no power except from a *provable* necessity, and then only to agents chosen by themselves as far as practicable, and limited by clear and definite rules to the line of their duty and made as responsible as possible to the people. In all cases where the errors of delegated power, from the nature of the subject, may be a grievous and permanent injury to the people, their right and duty to rejudge the judgments of their servants before they are executed, should be secured;—and at short and stated periods, the people should, in a solemn and deliberate manner, sit in judgment on all the acts of their servants, to approve, condemn, reform and improve. It is only by such a government, for such ends, so constituted and administered, that a free people can acquit their conscience to God and discharge their duties to humanity.

Is our Constitution, judged not by its letter but by the practical workings of delegated power under it, such as it ought to be? A brief statement of some of the results achieved by

delegated power, will best answer.

It has attempted by law to create that wealth and comfort which a well directed, skilful industry alone can create and secure; and in a period of profound peace, uninterrupted health and extended commerce, it has produced only debts, deficits and misery. By debts it would make all and pay all; and by debts it has produced a debtor state, debtor cities, debtor counties, towns and villages—with taxes severe, onerous and increasing, direct and indirect, to avoid the losses, miseries and infamy inseparable from a social bankruptcy. Although the state debt has been swelled to about twenty-eight millions, and the interest on it and the current expenses of the state and its works have passed beyond its gross annual revenue from all sources, forcing direct taxation, it cannot reform useless offices or retrench expenditure; and while only one of all its works will pay its current expenses, threatens to add millions to our debt and taxation, to complete works begun, surveyed and approved. In the pecuniary distresses of the State, it has made a free and dangerous use of the Common School, Literature and Deposit funds, devoted to education; and in the wants growing out of its own prodigality, seems eager to consume them. It has relinquished, without a consideration, to a company notoriously fraudulent bankrupt, a lien for three millions, which delegated power and the companies had both repeatedly declared to the people to be a safe and adequate security for the amount—at once rewarding the treacherous falsehood of the past, and inviting perjury in the future to nearly two millions of like securities against the company. It has created banking systems, without personal responsibility on the part of the banker, with a power to issue paper money, largely to be made out of nothing, with nothing to redeem it; forcing all coins from circulation; affording a currency the most unstable—at one time expanding into vast abundance, exciting the most reckless speculation: then rotten and "suspended," exhibiting the most demoralizing spectacle of universal swindling "according to law;" and now contracted to excruciating torture. In a season of great pecuniary distress among the business men, and when the means to pay the interest on the state debt had not been provided, and its credit was rapidly sinking, it was found that delegated power had made the State debtor to the banking institutions for more than five millions of dollars, of which nearly two millions were over due—thus obliging them to the amount of these millions to turn their screws on a community made debtor by the false pretences of a legislative system. It watched and nursed these systems, through the bankrupt failure of ten safety-fund and twenty-six free bank insolvencies; witnessing their robberies of the public money and their frauds upon the community; but when strongly urged by the public voice, has, as yet, weak or wicked, been unable to impose on the banker that individual responsibility which it unflinchingly imposes on all engaged in productive industry. It has filled, lumbered and disfigured the statute books with charters and grants of special privileges, false in theory and pernicious in practice, whereby the favored few are enabled to live without labor, on the labor and property of others. Under the power to appoint faithful and able officers of government, it has multi-

plied officers, maintained porquisites and salaries at high rates, and year after year collected at the capitol, in the season of the legislative session, a host of applicants—fit means to corrupt the legislature—to sue for office and place by personal solicitation, tending to establish a sale and purchase of offices. By the forms of the constitution the legislature partakes in and exercise, the highest judicial powers, *even that of adjudging whether its own acts are constitutional and binding.* The time which ought to be devoted to reforming and perfecting the law and judicial administration, is distracted by attention to appointments, and employed in hearing and deciding causes. By multifarious, contradictory, hasty, undigested statutes and “reported cases, doubted, distinguished, explained and overruled;” the whole body of the law is rendered deformed, dark, doubtful and uncertain. Like an insolvent parricide, delegated power has destroyed the constitution which gave it existence, by the force of its *aggregated precedents* made in contravention of that Constitution; and when it is asked to propose for the adoption of the people an amendment to limit its power over debt and expenditure, where its conduct has demonstrably been one tissue of folly and crime, it refuses even to propose it. The people must therefore re-construct the edifice of freedom and safety; and a Convention to amend the Constitution appears to me the best and only practicable means of performing this great and sacred duty.

To what should the reformation extend? To all ascertained abuses. As without strong and adequate security to the rights of property there can be neither abundance nor comfort, nor a full and fair development of the intellectual and moral man, the end and object of our being; and as in our own and every age and country, the fatal vice of delegated power has been manifested in a corrupt desire to enable some, without labor, to live on the labor and property of others—the reform should especially be directed to furnish new and strong securities for the rights of labor and property, against the exactions and special grants of power. The reform should be broad, solid and liberal; and I proceed to state some of the principal subjects:

1. It must retrench expenditure, reform useless offices and make the revenues equal in a short and reasonable period, to the payment of the whole of the public debt, secure that revenue from destruction or diversion by the legislative power, and make it certain that soon the people shall be freed from debt and taxation for it.

2. It must limit the legislative power over debt and expenditure as stringently at least as is proposed in the People's Resolution, as contained in the memorial of the democracy of Herkimer county to the last legislature. Except to suppress insurrection or repel invasion, no debt should be contracted without the direct deliberate assent of the voter.

3. It must secure the Common School, Literature, Deposit and other trust funds from conversion or destruction by the legislative power.

4. It must make all bankers issuing paper money, individually responsible for all demands against them, their corporations or associations, and prevent them from dealing in stocks of any kind, and especially the stocks of the State.

5. It must fix safe and certain limits to the powers of all municipal bodies to create debts and burthens on those residing or owning prop-

erty within their taxing power, and on all corporations to create debts.

6. It must secure the citizen against special legislation and the grant of exclusive privileges, whereby the favored few are authorized by law to devour the many; and by all the ways and means known to experience, oblige delegated power in its legislation to regard that law of nature and command of God, which declares that “he that will not work shall not eat.”

7. It must limit the officers of government to functions strictly governmental, and to the smallest number that for a moderate compensation can discharge the duty well, and refer their appointment as far as practicable to the people and to bodies the nearest and most dependent on and responsible to them.

8. It must strip the legislative and executive as far as practicable of the appointing power.

9. It must divest the legislature of all Judicial power, and provide courts of law and equity with original and appellate jurisdiction to be held by judges to be elected by the people for a reasonable term of years. These courts of the people must have power to decide all constitutional questions, and thus maintain in practice the limits set by the Constitution on delegated power.

In a letter I will not attempt to state my reasons for each of these propositions. On the subjects of debts, expenditure, banks, currency, and the grants of special privileges, the trust funds and the appointing power, the conduct of delegated power has forced upon all honest men the desire for a Radical Reform. Unless the appointing power can be largely separated from the executive and legislative, from becoming disgraceful it will soon become infamous and the subject of traffic. As long as the Senate shall continue our Court of Last Resort, I am satisfied our legislation must be hasty, crude, and scandalously defective, and all law reform prove a total failure; and as long as it is the constitutional court we must live under the despotism of *precedent* without a constitution. Whatever differences of opinion there may be respecting the mode of appointing the judges of the courts of Law and Equity of original jurisdiction, it seems to me that men will be well agreed to the election by the people of the Judges of the Constitutional Court.

10. My last position is, that the Constitution should provide for a Convention of the people at least once in twenty years—to correct errors, reform abuses, and make all needful improvements more effectually to secure the *equal natural rights of every man.*

With great respect and esteem,

I am yours, most truly,

MICHAEL HOFFMAN.

F. BYRDSALL, Cor. Sec'y. of N. Y. Con. Ref. Association.

FROM Mr. Leonard, M. C. from New-York,

HENRY O'REILLY, Esq.—Dear Sir:—Since my return to this city, I received a circular signed by the officers of the Association for promoting constitutional reform in this State, informing me that I have been selected as a member of the corresponding committee for the county of New-York.

I accept the appointment with great pleasure, and will as soon as I obtain the necessary leisure, address you a further communication upon the subject.

I am, very respectfully, yours, &c.

MOSES G. LEONARD

## SPEECH OF ROBERT H. MORRIS.

[From the Westchester Herald.]

We are accustomed to respect and admire the lofty devotion to principle and public duty of the present efficient chief magistrate of New York city, ROBERT H. MORRIS, and also of MICHAEL HOFFMAN of Herkimer, who has rendered such essential service to the State in bringing her Legislature back to the sober and sound principles of public faith and cash-paying economy; and among all that has been said on this vital question, we shall take these two gentlemen as the exponents of the proposition now under discussion before the people, as embracing the best views, and about as much as our limits will allow us to give. Mr. M., in presiding at the New-York meeting, gave an admirable address, which we copy:

### SPEECH OF MAYOR MORRIS.

Fellow-Citizens: I have been requested by the gentlemen who called this meeting, to state the object of it. Their object is to present for the consideration of their fellow citizens, reasons why the Constitution of this State should be altered; why a convention of the people should be convened to make the alterations, and to induce all who may be convinced of the necessity of a convention, to use every precaution and effort to elect such persons to both branches of the next Legislature, as will pass a law to authorize such convention, and to provide for the election of its members.

Honored as I am, by being selected as the presiding officer of this meeting, it may be deemed an ungrateful and uncalled-for trespass on your time, for me to address any further remarks to you. I am, however, in this matter peculiarly situated. The office which I hold, (conferred by the kind confidence of my fellow-citizens,) demands that every of my personal acts of a public nature should be dictated by obedience and respect for our laws and institutions, by a true sense of the interests of my fellow-citizens, and a sincere regard for their welfare.—The people have a right to demand from their agents, reasons for such conduct and the agent should desire to give them. Actuated by these convictions, I will, with your indulgence and permission, proceed to give the reasons which induce me to the opinion that an alteration of the Constitution is necessary, and to believe that a convention is the only method by which all necessary amendments can be obtained.

The Constitution of the State gives to the Governor the power of nominating, and with the consent of the Senate, the appointment of all the judicial officers of the State—all the prominent judicial officers of the counties, and a large proportion of the administrative officers of the counties. An enumeration of them which I caused to be made for me to day, and which is necessarily incomplete for want of time to make it thorough, shows there are nine hundred and sixty-one judicial officers, and four hundred and eighty-five ministerial officers, thus appointed, making one thousand four hundred and forty-six important public officer appointed in this mode.

The number of officers appointed by the Governor, and by him with the consent of the Senate, if accurately stated, would far exceed the number given. The power cannot be judiciously exercised for the interest and benefit of the people, even by the honest and discriminating Executive. He cannot possess all the necessary knowledge of individuals throughout the state, to enable him to select the most capable

and honest persons. He must depend upon the representations of others, and will be deceived by the favoritism, ignorance, and misrepresentations of his informants; and in effect, appointments made upon the representations of others, are made by a few individuals, residents of a county, and not by a Governor.

By the Constitution, the Lieutenant-Governor and the Senators, are judges of the Court for the Correction of Errors.

In the determination of causes from the Court of Chancery, the Court for the Correction of Errors consists of Senators and Lieutenant-Governor, 33, to 3 Supreme Court Judges; and in the determination of causes from the Supreme Court, of the Senators and Lieutenant-Governor, 33 to 1 Chancellor. This court is the tribunal to decide whether the Legislature in their enactments violate the Constitution. The decisions of this court establish that laws are constitutional. Their decisions are paramount to the Constitution, because they establish what the Constitution means; and yet, in the one instance, thirty-three of the thirty-six, and in the other, thirty-three of thirty-four, were the legislators who passed the law which they are to construe. Can it be expected that the same persons, who, as legislators, after debate and examination, erroneously and in violation of the Constitution passed a law, will, as judges, correct such error, and declare the law to be unconstitutional? Such decisions would be as contrary to the organization of human intellect, as it would be an exception to human practice.

By the Constitution, the Governor may recommend to the Senate, for reasons assigned by him, the removal of any judges of the counties and recorders, and a majority of the Senate may remove the officer. Was ever a Constitution better framed to prostrate judicial integrity at the foot of executive dictation?

The Constitution does not essentially limit the legislative power. It says certain laws, creating corporations, granting the money of the state for private purposes, shall not be passed, except two-thirds of the members elected to each branch of the Legislature shall vote for it.—Two-thirds of each branch of the Legislature, then, combined, have unlimited power: they may perfectly bankrupt the State for private individual purposes and benefits, and may paralyze individual enterprise by creating innumerable corporate companies, and a mere majority may pass laws forming and encouraging particular classes and occupations, to the injury and destruction of others.

The Constitution authorizes the Assembly, by a vote of two-thirds, to pass a resolution removing from office Judges of the Supreme Court, Chancellor and Circuit Judges; and if a majority of the Senate also pass the resolution, the officer is removed.

The present organization of the courts, all admit to be wrong. The courts, owing to their organization, cannot perform the duties required by the public. The law's delay amounts to a denial of justice. Examine the organization of our judicial system. A circuit judge first tries the cause. He is a good lawyer—is not only learned in book law, but has constant daily practical illustrations of the law, by applying facts to the law. He constantly has the benefits of the arguments of the most learned and astute counsel, considering the law with the facts.—His situation is the best adapted for the acquirement of a thorough, accurate knowledge of law. The best school to educate a judicial officer, is



the circuit judgeship. From the decision of such a court, the cause is carried to the Supreme Court. The construction of the Supreme Court is such, that its judges might be mere closet book-men, men without any practical knowledge of the law and the application of facts. You, my fellow citizens, know I do not allude to the present judges of that court, gentlemen in whose character and legal intelligence I have unbounded confidence. I am speaking of the kind of judges which the system authorises; all that is required, is that the judges should be of the degree of counsellors at law of the Supreme Court. They may never have tried a cause at circuit term as counsel. I ask, is a court thus constituted capable of correctly reviewing the decisions of an able circuit judge? The decision of the Supreme Court is then taken for revision to the senators, a court that may have no law learning whatever. Therefore, a court possessing only practical business habits, may reverse not only the closet law learning of the Supreme Court, but the law learning and practical experience of the application of law to facts of the circuit judges. It would really appear that the order of these courts had been reversed: that the Senate should be the first court to find what the facts are; the Supreme Court to give an essay upon the law to the facts. This system, practically, is very defective. Suitors speculate upon the opinions of the different courts; affidavits of merits are interposed to just claims, with the hope that circumstances occurring after suit brought, and conflict of opinion by the judiciary, may establish a defence that existed neither in fact, law nor equity. Affidavits of merit have frequently been interposed, because the defendants could make more out of the use of the money during the law's delay, than they could by maintaining reputations for punctuality and integrity. I must not be construed as casting reflection upon the honorable Court of Errors.— Few tribunals, for a series of years, have been more distinguished for integrity and ability.— There is, however, at least one *black* page upon the history of the Court for the Correction of Errors. That page clearly indicates the corruption which the system might foster and protect. The Legislature of the State passed the general banking law—its constitutionality was discussed in both branches of the Legislature. Immediately after the law was passed and an institution organized under it, a friendly suit was instituted expressly to obtain the decision of the same Senators who voted for the bill, as judges of the Court of Errors, declaring the law constitutional. The cause, for form's sake, passed rapidly through the subordinate tribunals; and during the same season, before a single member of the Senate who passed the law, had gone out of office, the same persons who passed the law, made it constitutional by their votes as judges! A suit, that in the necessary and ordinary course of the courts would have taken years to have been reached in the court of last resort, by a combination of persons who wished the law sustained, acting before the people as opposing each other—keeping up the farces of opposition—was driven to a decision between the adjournment of the Legislature in the spring, and the meeting of the next Legislature in January—before a single man who voted for the law, vacated his seat in the Court for the Correction of Errors! Such proceedings practically enable the legislative power to override the Judiciary, and break down the constitutional bulwark raised for the protection of the people.

ble although the officers under it are intelligent and honest. I will now call your attention to the great evils which could arise under it, and be successfully carried out by fraud and corruption, and the great inducement it holds out for such attempts.

The pecuniary benefits resulting to individuals from the official patronage of the Governor, and from partial legislation, may induce the selfish, designing, and corrupt, of the several sections of the State, secretly to combine to nominate persons as Governor, Senators, and Assemblymen, who, if elected, would further their designs. When nominated, the honest organization of party may elect them. By such means a Governor might be elected, whose only distinction was his selection as the head of the clique, (applause,) and whose patriotism was shown in administering to the wants of his friends, and in throwing executive power between his satellites and the violated laws of the country. (Great applause.) With such an Executive, and a majority of the Senate and Assembly thus selected, partial and sectional laws would be passed—the state would be run in debt, the masses would be oppressed for the benefit of the few. And should the friends of the Executive be arrested for frauds committed upon the elective franchise, the Governor and a majority of the Senate could remove judges. If sheriffs would indict such friends, sheriffs could be removed, and quashed indictments could acquit the accused. Thus fraud could effectually relieve its perpetrators from the legal consequences of their villany.

That the letter of the Constitution may be successfully applied to obtain such objects, all of you must admit is alone sufficient reason for amending it—while many of you, I fear, will charge me, in this instance, with being indebted to facts for my imaginings.

How shall the alterations be obtained? The Constitution provides that the Legislature, by a two-thirds vote, may propose alterations to the Constitution. If such alteration should be concurred in by two-thirds of the next Legislature, such resolutions are submitted to the people at a general election, and if affirmed by them, the Constitution is amended. Three, and I believe but three amendments of the Constitution, have been effected in this manner; but none of them curtails the power of the Legislature. The Legislature have frequently been applied to, to alter the Constitution abridging their own powers, and have refused to recommend such alterations.

We know that public bodies will not voluntarily give up powers they possess or powers they exercise, although they only assumed them.— This has been clearly established, not only by the Legislature, but by the common council of this city, who will not relinquish the performance of executive business by their committees, although the charter of the city expressly prohibits it. A convention of the people is, therefore, the only reliable means of obtaining the amendments required for the protection of the interests of the people and the maintenance of the spirit of our institutions.

I propose that the Constitution should be so amended as to take from the Governor the appointment of all officers which can be either elected or appointed by the towns and counties. Let the town elect or appoint all that will not interfere with other towns; the county all that will not interfere with other counties.

The officers being selected by those for whom the service is to be rendered, will be more capable and honest. It will then be an honor con-

Let the Legislature be restricted to passing general laws—prohibit all partial legislation for classes and occupations. The counties and towns can apply these general terms to their particular requirements and emergencies.

Let the number of Supreme Court Judges be increased. Let the judges alternate in presiding at the circuits in trials of causes before juries. Make more Chancellors—let questions of fact in the Court of Chancery be tried by a jury before the Chancellors themselves.

Let the Judges of the Supreme Court and the Chancellors form a court of appeal both for the common law and equity courts, and let the decision of that court be conclusive in all matters, except upon the construction of statutes of this State, and the constitutionality of our State laws.

Let the Judges of the Constitutional Court be elected by the people in the several districts of the State, which court shall have nothing to do with the facts in a cause, or the application of the facts, but merely the decision of the construction and the constitutionality of Statutes. By this means the people can preserve their constitution, and possess perfect check over the usurpation of the Legislature, and the latitudinarian constructions of the judiciary.

Let officers be reduced to the number indispensable to perform the duties of the public service. Then there will be fewer office seekers, and the public will be brought up to the legitimate business of private pursuits. Those of you who believe that this Constitutional Reform is required, I solicit individually to exert yourselves to bring public opinion to bear upon it—and to cause the election of such members to the next Senate and Assembly, as will pass a law authorizing a convention, and providing for the election of delegates.

Letter of M Hoffman to Senator Scott, dated Herk. July 31

Dear Sir—In common with every democrat who traces our present debts, deficits and misery to their true and obvious causes, you doubtless desire a thorough radical reform. In a letter to the Reform Association of your city, I have expressed the opinion, that the judicial power should be taken from the Senate and vested in courts held by judges to be elected by the people for a short term of years. On this part of the subject, I desire to express to you more fully than I could in that letter, my reasons for this opinion.

I need not argue with you to prove, that the want of correct, detailed, distinct provisions in a statute, always makes it dark and dangerous, and often renders most pernicious a law which with such details would be most useful. Without such details the best general principles are not merely lost, but often made the cause of mischief. If this is true, even in the most simple cases, the details rise in difficulty and importance with the complication and extent of the subject. On the subject of judicial reform, embracing the complications of practice and pleadings, controlling, in despite of all fee bills, the expenses of litigation, the whole, and to us hitherto insuperable, difficulty, lies in details and forms. Without correct details in the laws authorizing it, there can be no law reform.

The Assembly is and should be elected for only a very short period. It is unreasonable to suppose that that body, or its committees, can render any considerable aid in perfecting the details and forms of laws. The Senate is elected for a longer period, and must perform that most useful and indispensable labor; but the Senate, as a court of errors, as at present organized, must employ two-thirds of the whole year in hearing and deciding particular causes. As the causes multiply, that period must extend, and

in a few years, with the increase of population and business, engross the whole time, as it now does most of the thoughts, of the Senate. At present the Senate can devote time to legislation only in the hurry and bustle of the session, and can do very little towards perfecting the forms and details of statutes. Until the Senate is divested of judicial power and duty, it can never perform its most useful legislative functions in the government. We can expect no useful simplification of law practice and pleadings, or clear, consistent, intelligible statutes. The study already bestowed by Senators on particular causes, would, if it had been devoted to the subject, have given simplicity, beauty and consistency to the whole law, and made it intelligible. The change is necessary to preserve the Senate as part of the Legislature: For in a few years the increase of causes must bury it wholly in judicial business & lose it to actual legislation.

As a court of last resort, the senate reviews and construes the statutes which it has assisted to enact. In enacting them, it knows and feels that it reserves this great power to construe them. Under such circumstances, haste is indulged, careless obscurity encouraged, and the utmost diligence will do no more than make the law so that it can be understood. But if the legislative power knows that it can only enact and not construe the rule, and that others will give it a construction and apply it in practice, it will seek to express that rule and the reasons for it, in terms so clear, distinct and precise, that the most ordinary sagacity can not misconstrue or misapply it. The divesting the senate of judicial power would thus, I believe, lead to a most useful radical reform in laws, which can never be expected while that body is the court of last resort.

The court of last resort must, as to all cases ending there, be the constitutional court. At present the Senate may enact a statute, and as a court declare that statute constitutional and binding. In this manner it may, and by the force of aggregated precedent, it has repealed the constitutional limitations set on legislative power. As the court of last resort is necessarily the court to construe the Constitution, it should, like the present be held by Judges elected by and responsible to the people, at short reasonable periods of seven or ten years; and if the Judges of the highest courts of original jurisdiction are to be a part of the tribunal of last resort, they too must be elected.

It may be feared that such a court may itself become a tyrant! On what I ask? It can make no law. It can at most, only construe those made by the Legislature; and by due care in that body, it may give to its statutes that intelligible certainty which disarms construction of all power to do mischief. As the court can by construction gain no power themselves to make law, they will be less disposed to increase the power of the Legislature against the limitations of the constitution; and if the court shall injuriously limit and restrain the exercise of Legislative power, the Legislature may remove the restraint by proposing an amendment to the constitution. In this way the dispute will be speedily referred to the people, the proper and responsible arbiters of the matter.

If these considerations do not entirely persuade you, as they do me, that we ought and must divest the senate of all judicial power, and should vest the power in courts held by Judges elected for short periods, I hope they may induce you to mature a substitute that shall secure to us the benefits which I ardently hope from my proposition. Reach these benefits and avoid the great evils to which I have alluded, and I will be content. With esteem, yours, M. HOFFMAN.

## SPEECH OF THEODORE SEDGWICK.

[From the New-York American.]

## CONSTITUTIONAL REFORM.

We promised some weeks ago to take occasion to lay before our readers the speech delivered by *Theodore Sedgwick*, at the mass meeting held last month, to promote the object of Reform in the Constitution.

We redeem that promise to-day, and invite the attention of our readers to the speech; it is a well considered, able, and temperate argument in favor of amendments to the present Constitution.—for restricting the Executive, Legislative, and Judiciary powers, and for rendering the exercise of the powers, intended to be conferred, more regular, prompt, certain and impartial.

Of the necessity of Reform in the Judiciary department especially, no one, even if doubting before, will, after reading Mr. Sedgwick's remarks, continue to doubt:

"With a Court of Chancery," says Mr. S. "where causes are not decided, and the Court of Errors where causes are not heard, the Judicial System of New-York is indeed worthy of admiration!"

So in the Executive Department, we agree that some restriction is needed upon power and patronage.

Concerning the Legislative Department, we have more hesitation in agreeing with the suggestions of this speech, but are quite willing to see them discussed in our columns.

The great point, however, wherein we differ from Mr. S. and other friends of Constitutional Reform, is as to the mode of effecting it.

The Constitutional Reform Association, in whose behalf Mr. Sedgwick spoke, go for a Convention. To this we object, first, because a more simple, more economical, and as we hold, safer mode, is pointed out in the present Constitution; and secondly, because in the existing ferment in men's minds as to the unlimited power and rights of majorities, as to the tenure of property, and other personal and social rights, we would not dare to throw open all these questions to the chance of change.

## SPEECH OF THEODORE SEDGWICK,

At the Reform Convention in New-York.

His honor the Mayor, by his very full and elaborate exposition of the objects of this meeting, has relieved me from very considerable embarrassment; for considering the very important nature of the subject which calls us together, my own time for preparation has been so short that I was apprehensive I should be altogether unable to do any justice whatever to the many points of view in which the matter may be examined.

I had hoped, indeed, that my co-operation at the present time would have been rendered altogether unnecessary by the appearance of my friend, the Attorney-General. I know with what ardor his generous nature will precipitate itself into this cause—with what ability and eloquence he would have developed the subject, it is unnecessary to say.

As it is, I shall endeavor to give, with all possible brevity, some of the many reasons which bring my mind to the conviction that a reform of the Constitution of our State is indispensable:—indispensable is the word—for these sweeping changes are at no time desirable. Better endure

much than run the risk of unknown evils. Nothing short of imperative considerations can warrant a reconstruction of the political edifice.

What is the first suggestion that prudence makes to any one about to execute an ordinary power of attorney? Why, very plainly, that no greater power shall be conferred than what is absolutely necessary to attain the precise object in view; that no vague general authority shall be granted, unless it is indispensably necessary. The Constitution of the State of New-York is nothing more nor less than the power of attorney, which you, the people, give to a certain small number of delegates, prescribing what they are to do, and what to leave undone; and I need scarcely say, that the rule of prudence in private life, and in the matters of private business to which I have just alluded, should be applied with tenfold vigor in all public affairs. Distrust is the first lesson that history teaches. Suspicion of power is the first duty, the first element of political existence. "Confidence," said the English minister, "is a plant of slow growth."

The only questions which you are to ask yourselves, to bring your minds to a correct decision on the great subject now before you, is, whether your power of attorney is too large? whether it confers any authority likely to be abused? any authority that has been abused? any authority that can safely be restricted or taken away? any authority that must be restricted or taken away, if you would preserve the purity of your system?

To decide these points satisfactorily will require a much more elaborate examination of the subject than I can here possibly lay before you. You will be greatly assisted, however, in forming your judgment by the recent letter from Mr. Hoffman of Herkimer to the Association that has called this meeting, and which contains an exposition of the subject as comprehensive as it is brief. Mr. Hoffman's views on these subjects are entitled to great consideration in every point of view. He is an eminently practical man—and to few, very few, is the State or the people of the State at this moment more indebted. Mr. Hoffman was one of the leading members of that legislature which threw itself in the breach—which arrested our reckless expenditure—dared to tax—dared to be honest—and placed the heel of New-York on the head of repudiation. To few men are we more indebted than to Mr. Hoffman—and his opinions on the subject are entitled to great weight and a most respectful consideration.

The subject of the State Government naturally resolves itself into three heads, answering to the three great branches of the government—EXECUTIVE, LEGISLATIVE and JUDICIARY.

And first, of your Executive—

It seems to me that it cannot well be doubted that the powers of this officer are altogether too great to be safely entrusted to any one individual. In addition to a Veto Power—equivalent to some thirty or forty votes—a power which, as a check on hasty or improvident legislation, there is not the least disposition to find fault with—in addition to this, he has the right of appointing all the judicial officers of the State, with the exception of the justices of the peace, and a great proportion of the administrative officers.

Chancellor, Supreme Court and Circuit judges, County Judges, Supreme Court Commissioners,

masters and examiners in chancery, commissioners of deeds, notaries public, inspectors, measurers and weighers—he appoints in all (with the consent of the senate, a consent, I need scarcely say, rarely refused by political adherents) between *twelve and fifteen hundred* subordinate officers of government. It cannot be doubtful that this is an unwise and very unsafe accumulation of power in the hands of any one man—that under the present organization, of parties, and the present doctrines of party politics, it is a very dangerous, a very alarming accumulation of power.

These offices are, it is well known, all bestowed on the system, if any thing so deplorable can be called a system, of rewarding party service. No consideration of merit, long experience, unquestioned character, can, except in the rarest instances, procure an appointment to the most trivial office, from a political opponent, or what is far worse, prevent dismissal the moment the opposite party attains power.

The vast mass of officers, with their attendant emoluments, is, then, just so much capital, so much plunder to be divided—cut up among the adherents of the successful party. And how much is it? what is the sum thus annually appropriated by the State to engender a brood of men taught to live on the public—to breed a horde of needy, reckless, desperate partisans, to foment party differences, to fan the party flame, to poison and corrupt the very fountains of your government, and to convert the contest of principle into a base selfish struggle for pecuniary profit?

What the sum is, cannot, that I know, be easily got at—but it is certainly very great. From a return made by Mr. Secretary Young, in 1842, it appears that one hundred and fifty inspectors who had reported, (and he complains that numbers had not complied with the statute,) one hundred and fifty inspectors alone actually collected, levied from the people, a sum of two hundred and twenty-five thousand dollars. It will be a very small calculation which makes the entire amount annually appropriated for party purposes, out of the public treasury, upwards of half a million of dollars!

No one can shut his eyes to the scandalous scenes that are enacted at Albany, at every change of the political tide. "A host of applicants," Mr. Hoffman well says, "is year after year collected at the Capitol to seek for office and place by personal solicitation—from being disgraceful, this will soon become infamous." No doubt of it whatever. The power of oppression is a thing fanciful, altogether fanciful, in our times. The power of oppression has at no time any thing in it alarming to men with arms in their hands, and knowing how to use them. But the power of corruption—the power of corruption!—the very phrase is appalling—for who, regarding our natural frailty, can say when its paralysis may not reach his own nerves and its cancer his own heart!

The power of the Executive, too, is constantly increasing, and until the act of last winter, on the subject of inspection, there seemed no probable end to it. That act was prospective in its character—if not repealed, it will apparently give a death-blow to the monstrous interference between the buyer and seller, which the State has so long kept up in spite of the clearest principles of trade. But it would be well worth while to place some constitutional restriction on the creation of offices so useless on one hand

and so pernicious on the other. I think you cannot fail to agree with me in the famous words of Dunning, "that the power of the Executive has increased, is increasing, and ought to be diminished."

Many of the judicial officers, such as Masters, should be made irremovable, except for cause; the appointment of others should be given to the localities to which they belong; and others should be abolished altogether.

As to inspectors, a friend has suggested that an exception should be made to the entire demotion of the system, and I confess the remark has great force. He thinks that we should retain "An Inspector of Democrats."

So much for the power of the Executive. I need scarcely say that all that I have said, is said without any reference to one party more than the other. We come together without distinction of party; and one great object will be achieved, if we succeed in allaying that violent party spirit, which is the danger of all free governments, and which, if not checked by the wisdom of the people, must always, sooner or later, bring distress and disgrace in its train.

Secondly: we come to the Legislature; and this branch of the subject is properly to be regarded in two lights. First, the power of the Legislature over the citizen, by way of contracting debt; and, secondly, the power of the Legislature over the Constitution itself.

The power of contracting debts is the highest known to government, because it bears taxation inevitably with it; and no governmental power, of a general character, exercised in time of peace, can approach to that which deliberately walks into the domicile of the citizen, compels an account of his property, and wrings from him the hard product of his industry. Certainly, nothing in government can go beyond this. Now, the simple question is, whether this power is more safely entrusted, as at present, to a Legislature chosen without any reference to the subject whatever—or exercised by the people itself, in its primary capacity. My consideration of the subject leads but to one answer. I do not mean at all to say that there is but one side to the question, or that I insist with any dogmatism whatever in my opinion. But the preponderance of argument seems to be so clearly on the side of limiting the legislative action, that I do not believe that the people of this State can resist the conviction that this power cannot safely be entrusted in its present hands.

That this power has been grossly abused, cannot be doubted. The very greatness of the State, its magnificent resources, and the active intelligence of its citizens, lead to constant appeals for legislative assistance. No man who knows any thing about the State, can doubt that the power of the Legislature has been most improvidently expressed. When we recollect that millions have been expended, for which not a dollar ever returns; that roads have been constructed, to be sold at sums so ridiculously small that they scarcely are worth entering on the credit side of the account; no person can pretend to say that the power has not been abused.

But worse than this: it cannot be disguised, and it ought not to be disguised—for individuals and States learn solely by their own experience—it ought not to be concealed, that the credit of the State has been in the extremest danger—that our career was arrested at the most critical moment. To bear a debt of twenty-eight millions, we are obliged to levy a tax of



six hundred thousand dollars. Suppose it had been carried to forty millions, or to the sum which the completion of the public works would have rendered necessary: can any one suppose that the Legislature would have levied the additional annual million which would have become necessary?

Sanguine advisers recommended the completion of the public works, in the confidence that when completed they would keep down the interest. I do not mean to say that with a strong central government this could not have been done. But to have commenced such an operation in the face of the depressing state of the times, with a population extremely averse to taxation, and political men of both parties extremely afraid of their own shadow, seems to me to deserve nothing short of the name of Quixotism. But we are not talking of certainties—we are talking of probabilities—not merely of probabilities, but of possibilities—and I wish to know whether the prudent citizens of this State are willing to run the risk of the *possibility* of a dishonor of our credit?

Look at Pennsylvania; consider the melancholy condition of that once great commonwealth. She is now in a state of fraudulent insolvency. An individual that can and will not pay his debts, is a fraudulent bankrupt; and I know of no two rules of public and private morals. I care not whether it is the fraud of the officers or the fraud of the people. The fraud of the officers elected by the people, is the fraud of the people themselves. The bare risk, the most remote contingency, of such a condition as this, is, in my mind, abundant reason for the change that is proposed. Better any thing than run the thousandth part of a chance of plunging New-York into fraudulent insolvency.

Two objections are urged against the proposed measure—and one of them certainly not without force. It is said that no great work can be accomplished without some central body to decide the question; and that if the people in mass must be applied to, not one of the great constructions of the State would ever have been effected. This seems to me altogether fanciful. Our people are always more likely to err on the side of improvidence than on that of economy. The American will always be sufficiently in debt. Any great work which should concern a great part of the State, which had features to make it generally popular, would easily succeed; and it is quite unnecessary to say that no other work should be constructed. The Erie canal would have been made by the people without the intervention of any Legislature whatever; while it may be true enough that the State would not be encumbered by such works as adorn the Black river, Chenango and Genesee Valleys. Besides, the most conclusive answer to this argument is found in that great work which beautifies and enriches our own city—the Croton fountains have been called into existence by the direct voice of the people themselves. Fifteen millions of debt have been imposed under a statute that was submitted to the popular decision.

The other objection is precisely the reverse of the previous one. It is said that a change is utterly useless; that it can do no good; that the people will never examine the question; that they never care what expenses they may sanction until they must be paid. This proposition, when applied to the construction of works really improper in their character, is certainly surpris-

ing. It amounts to this, that it is just as easy to coax, cajole, persuade, intimidate, in other words, to manage, three millions of people, as to perform the same operation on one hundred and fifty legislators; and that a whole State is as easily led by the nose as the two bodies at Albany. This really does not deserve a very serious answer. But suppose it were so. Suppose it would do no good. It at any rate could do no harm. And certainly the experiment is worth something—an experiment which may do good, and cannot do harm, is always worth trying.

But it would do good, if in no other respect, in this—that it would forever silence the brazen throat of repudiation. If the State had in its primary capacity passed on the validity of its debt, we should hear no more of fraudulent agents—no demagogue would be found hardy enough to advise the people to disown the very work of the people themselves.

Fetter, then, your Legislature, and declare that the contracting of debt, except in case of war or insurrection, is the highest attribute of sovereignty and shall only be exercised by the people themselves.

I come to the second head of legislative power; and that is its power over the Constitution itself.

It may sound paradoxical, but it is strictly true: You have no Constitution. The State of New-York exists without one. What is a Constitution? The fundamental idea of a Constitution is, that it is an instrument by which the people impose restrictions and limits on the Legislature, and which that Legislature cannot transcend without a direct appeal to the people themselves. No such state of things exists with us, simply because the Legislature—or one branch of it, the Senate—is the highest branch of your judiciary, and passes on the constitutionality of its own acts—in other words, the Legislature construes the Constitution—the attorney gives such interpretation to the power under which he acts as he pleases. It is strictly true that you have no Constitution, and the real question now is, not whether you shall amend your Constitution, but whether you shall make one.

The Senate, I say, with the Chancellor and three Judges of the Supreme Court, compose a court of errors—thirty-six members in all—and that Senate, a body renewed one-fourth every year, passes as a court of last resort on all the judgments and decrees of law and equity, including the constitutionality of its own statutes. It is evident, therefore, that your Constitution is completely in the power of the Senate; and with the knowledge of their power, who can doubt that their construction will be in the last degree lax and dangerous?

The great objection in the convention of 1821 to the old council of revision, was, that it blended the judiciary with the Legislature: that was abolished—and a notable improvement was made when the Legislature was transformed into the judiciary itself! The Court of Errors derives its existence from the English House of Lords; it is a relic of colonial prejudice, and had better be abolished with the other badges of colonial servitude.

Mr. Hoffman has proposed, and I see no objection to the proposition, that the Judges of the Court of Last Resort should be elected for a considerable term of years.

This consideration brings us to the last branch

of the subject; namely, Judiciary Reform; and I do not affect to conceal that this topic, connected with that of the power of the Legislature over the Constitution, has to me more interest than any other. So small a proportion of the people have any practical knowledge of what is going on in the courts of justice, that the judicial system can scarcely at any time receive that consideration to which it is entitled. The judicial system is indeed only another name for the Law itself; and who can exaggerate the magnitude and importance of a wise, just and impartial system of jurisprudence? Lawsuits are often contemptible; the fee bill I am willing to surrender; lawyers themselves, you may, for aught I care, declare to be nuisances; but who, I repeat, can exaggerate the magnitude and importance of the Law? What more creates the difference between a barbarous and a civilized people, between the republics of South America and the republics of North America, than their recognition of and their obedience to the law? The law pervades and controls every class, every occupation, almost every consideration of social existence. It is with you when you lie down, and with you when you rise up; and were it what it should be, in its omnipresence and its beneficent impartiality, it could have no more fitting parallel than Divinity itself.

To make the law what it should be, must always, then, be one of the first objects of a civilized Christian community. And no approach to this can be effected without a well arranged judicial system, administered by wise and incorruptible men. You have two courts which may be called permanent; and it should never be forgotten, for it redounds as much to your credit as to theirs, not even the breath of suspicion has ever sullied the character of the men who administer these high trusts. Learned and assiduous, the system should never be commented upon without awarding to these functionaries that tribute of respect which they so eminently deserve.

The system, itself, is a very different thing; and that cannot, it seems to me, be spoken of but in terms of emphatic condemnation. The Supreme Court may peculiarly be called a cloistered Court. No breath of the great popular atmosphere ever reaches that tribunal. Hidden, sequestered from the people, they see no juries, hear no witnesses, and by no accident come in contact with the mass of their fellow citizens. Nothing comes before them but by way of appeal; the entire management of all litigation in its first and most important stages, is confided to subordinate magistrates, (the Circuit Judges) who, on their part, are entirely deprived of all opportunity for the careful and deliberate examination of legal questions. The judicial functions are of course thus divided in a manner that cannot but be most injurious to the formation of the highest judicial character.

One of the first objects of the Convention which we seek, will be, I hope, the restoration of that old *nisi prius* system so unwisely abandoned by the convention of 1821—the system which sent the Law Judges down to the Circuits, and gave at once experience, authority and vigor. So much for the Supreme Court.—The Court of Chancery is a very different tribunal. I have no fancy for what Mr. Bentham calls “single-seated justice;” nor do I believe that, in a government like ours, the enormous and inevitable powers of the Court of Chancery can be, with any propriety or safety, entrusted

to one man. It is no answer to say that those powers have, thus far, not been abused. One year of an incapable or dishonest Chancellor would tell, with terrible effect, upon the whole body of our law. But there is, if possible, a more conclusive argument in favor of a plural bench of Chancellors to be found in the fact that no one man is capable to dispose of the immense mass of business that now threatens to overwhelm that Court. The arrears there almost baffle belief. You will hardly credit me when I tell you that, if your cause is argued now, in 1843, you will be fortunate if you obtain a decision in the whole course of the year 1845; that from one and a half to two and a half years elapse between the argument and decision of cases in that Court; that the ordinary life time of a well contested suit is from five, to ten years.

Nor, without going into details that time forbids, could I give you any idea of the waste of property, the suffering and distress, that is produced by this terrible procrastination. However, caused by the accumulation of business alone. We shall go far before we find any more capable to do the work than the present incumbent. We may well apply to our Court of Chancery the phrase of Bentham: “It is an immense manufactory of expense, vexation and delay; the existence of which is one continued and prodigious grievance.” So much for the Court of Chancery. I come lastly to the Court of Errors. That Court, as you know, consists of one branch of your Legislature, assisted by the three Judges of the Supreme Court, and the Chancellor; thirty-three political members and four law members. Argument is almost unnecessary to show that the decisions of such a Court must be loose and fluctuating in an alarming degree. The members are politicians—elected as politicians—daily acting and voting as politicians. Is it likely that by changing their title from that, of Senate to Court of Errors, they can free themselves from the strong partizan bias which they must so certainly feel?

But this is not a mere matter of speculation or conjecture. Within the last five years, I can show you numerous decisions of that Court, where the vote nearly represents the actual state of political parties. I need not tell you what that means, nor need I tell you how fatal such a state of things must be to the law and to litigants.

So striking is the state of things in this tribunal, that one of the Justices of the Supreme Court—one, too, very remarkable for his familiarity with business, and for a mind eminently practical and logical, Mr. Justice Bronson—has not hesitated to declare in a solemn opinion, that the decisions of the Court of Errors no longer furnish precedents, and they can only be considered as deciding the particular case before them. No condemnation more severe could be pronounced than is contained in these words.

Mr. Hoffman has proposed the election of members of a Court of Last Resort, by the People. I do not mean to say that the popular election of Judges of the Last Resort or of any class, is at any time desirable. On that point it is unnecessary to express any opinion. Much may be said both for and against the principle. If on the one hand, popular excitability may be apprehended, on the other there are strong reasons for saying that the people who made the Constitution, should also make the Judges who are to expound it. But it is unnecessary

to discuss that matter now. Our highest Judges (as Senators) have been always elected. We do not propose to alter the principle—but to introduce a very material modification, and one which if not absolutely perfect, would clearly be a great improvement on the present system. Leaving the present Judges of the Supreme Court and Court of Chancery to be appointed as they now are by the Executive, the Judges of the highest Court would be elected as they now are by the people: but they would be elected as Judges—they would be elected for a longer term—they would feel their responsibilities as conservators of the law and Constitution; and no one can, I think, doubt that it would be an immense improvement upon the present order of things.

But another reason, if possible, equally imperative, exists for the reorganization of this tribunal. The Court is overwhelmed by its business. Its Law or Writ of Error term has just closed. Of sixty causes, twenty have been heard; and the Court has adjourned for a year—with one-third of its business unfinished—with two years' work before it.

Between your Court of Chancery where your causes are not decided, and your Court of Errors where they are not heard, the judicial system of the State of New-York, is indeed worthy of admiration!—

"To make delay in Lincoln's Inn,

"Two different causes tend:

"Their Lordships' judgments ne'er begin,

"His Honor's never end."

Such is the state of things. The Court of Errors is not to blame. It is a vast machine, the working of which must always be slow, cumbrous and expensive.

Now, look these things in the face, and say whether the subject of Judiciary Reform alone does not call for some radical alteration of the Constitution. It is all very well to talk of amending the charter through the Legislature, in the mode pointed out by the instrument itself. The only difficulty is, that the effort is utterly impracticable. Power never surrenders Power—the Legislature will never renounce its authority over the Constitution—the Senate will never abdicate its judicial functions. The thing, if done at all, must be done by a direct appeal to the people themselves.

I say an appeal to the people—greatly to be deprecated would be any effort to achieve this subject by the existing party organization. Indeed the thing cannot be done by a party, because our party majorities are altogether too small. Our party majorities are surprisingly small; varying from 5 to 15,000, they are but from 2 to 5 per cent. of our voting population. Not by such majorities as these can Constitutional Reform be effected. Nor must there be any doubt in which scale the majority lies. It will not answer to re-enact on the theatre of New-York, the drama which has so lately been played on that of Rhode Island.

We meet here as conservators of the great interests of the people; and in this view of the subject, the distinction of Whig and Democrat should disappear. We are not to arrogate to ourselves all political virtue. It would be a libel on our institutions, to say that there was a majority of but five or ten thousand in the State worthy of being freemen. An immense majority of the population is devotedly attached to the fundamental principles of free government.—There was deep philosophy in the words of

Jefferson—"We are all republicans—we are all federalists."

No—by the action of the people alone, can this great object be effected. The Convention of 1821 was called for but by a very small vote, but the numbers who were then excluded from the franchise rendered that convention indispensable. The convention of 1821 actually doubled the electoral body. The vote for governor in 1820 was 93,000. In 1824 it was 190,000. This makes it very plain, that the convention of 1821 was a great popular movement.

Such a character must be impressed upon the present effort. Let it not be dwarfed or cramped by the spirit of party. We are called together by no party war-cry. We meet under no party roof-tree. Consider the subject then, regarding only the lasting interests of our great State, and our yet greater country—looking forward to the time so beautifully depicted in the words of your own Bryant—(made your own not less by his sympathy with every popular interest, than by the depth of his pathos, the lofty morality of his tone, and the felicity of his direction)—

"When younger commonwealths for aid  
Shall cling around your ample robe,  
And from your frown shall shrink afraid  
The crowned oppressors of the globe."

NOTE.—A year or two ago, while it was still in contemplation to renovate the Judiciary through the Legislature, a substitute for the fifth section was prepared by one of the most prominent members of the Bar, and he has allowed me to make use of it here. I am particularly glad to do so, because, coming as it does from an accomplished and eminently skilful lawyer, it shows conclusively that the present suggestion is not the work of any theoretical visionaries. It will be seen that it mainly accords with the ideas now placed before the public by Mr. Hoffman and others. A Court of Appeals, elected by the people as such; a Bench of Chancellors; and a *nisi prius* common law system, will be, there can be no doubt, welcomed with acclamation by the bar of the State.

[But the pressure of other matters in this number of the "Reformer" forbids an insertion now of the Judiciary Project, to which Mr. Sedgwick refers in this "note."]

From Mr. Bryant, of the New-York Evening Post.

NEW-YORK, August 14, 1843.

GENTLEMEN—The importance of the objects for which your Association is established, and the necessity of organization to accomplish them, induce me to depart from my usual practice in such cases, and to accept the appointment of vice-president, which the members have done me the honor of offering me.

I am gentlemen,

Very respectfully, yours,

W. C. BRYANT.

Messrs. Charles S. Benton, Henry W. Strong, Hiram McCollum, Hugh T. Brooks, Henry R. Selden, R. H. Williams, Geo. W. Clinton, Lorenzo Sherwood, Henry O'Reilly.

#### REFORM IN NEW-JERSEY.

An article in the New-York Tribune attributes the recent defeat of the Whigs in N. J. to the fact that their party seemingly opposed the popular feeling in favor of Constitutional Reform in that State. Significant.

## PUBLIC SENTIMENT, AND PUBLIC POLICY.

It is worthy of special notice that nearly every Democratic Convention held this year in the State of New-York—whether that Convention was of a County, Senatorial or State character—has emphatically approved of the “financial policy of the Legislature of 1842,” proposed by Michael Hoffman; and that the expression is consequently nearly equally unanimous and emphatic in favor of the *doctrines* of the “People’s Resolutions” which were zealously but unsuccessfully advocated by Judge Loomis and Mr. Hoffman while in the Legislature.

Witness the language of the late Convention at Syracuse in reference to what has been frequently denominated the “Hoffman Policy,” a policy happily noticed in the letter of O’Sullivan and the speech of Sedgwick:—

[From proceedings of State Convention.]

*Resolved*, That the debt-paying policy established by the Democratic Legislature of 1842, and confirmed by that of 1843, was as clearly demanded by the condition of the finances of the State and the wishes of the people, as it was plainly required by the principles of public integrity and prudence; and the restored faith and improved value which it has brought to our State securities, fully vindicate the measure, and have won for the democracy of New-York an enviable distinction in the Union; that the conduct of this State on that occasion was largely instrumental in recovering public confidence in State efficiency and ability to accomplish its necessary and proper works, and arresting that tendency of the public mind which was then but too dangerously apparent, to look to the general government for the means to pay for them, if not for the power to make them.

*Resolved*, That while the Democracy of this State regard a State Debt as a State evil, and will oppose all measures calculated either to increase the present debt or to arrest its gradual reduction—and are opposed to all improvident and unnecessary public improvements—they are not and never have been hostile to those public works which are of such general and extended character in their utility and importance as to need the means of the State for their creation and management, and which can be effected without imposing burthens upon the people; and that the experience of this State has fully demonstrated that the State ought not to have any subordinate influence or secondary interest in works owned and controlled by others; that the public credit cannot be safely used to or for any purpose but the public necessities, and ought not to be loaned to companies or individuals, or incorporations of any kind; and that the maintenance and extension of our system of State Improvements can only be successfully effected by strictly limiting them to the means of the State.”

And as for the Senatorial and County Conventions, we may quote at random from them anywhere, so generally concurrent are their sentiments in reference to the Reforming

Spirit aroused upon financial questions. Take for instance, (and we instance it only because the proceedings are in a paper we are now reading,) the expression of opinion at the late Senatorial Convention of the Fourth District, which included delegates from St. Lawrence, Montgomery, Fulton, Saratoga, Washington, Warren, Essex, Clinton, Herkimer and Franklin. Here is a sample of the resolutions:

*Resolved*, That we cordially approve of the financial policy established by the Legislature of 1842, and continued by the last Legislature;—that the triumphant approval of it given by the electors, is a proud and gratifying proof of the excellence of republican institutions. Under any form of government, the system of debt and expenditure would have gone on with increased strides, until the industrious classes would have been pauperized for schemes of extravagance and the benefit of a monied oligarchy. We do not doubt that the zealous support of all the Senators from this District will be given to that honest and wise policy.

*Resolved*, That this Convention favor an amendment of the State Constitution which shall secure to the people the right to determine, by their votes, whether any new debt of the State shall be contracted for any purpose, excepting the emergencies of war or insurrection; and also an amendment prohibiting the exemption of the members of any moneyed corporation from personal liability to creditors for debts contracted by their officers and agents.

*Resolved*, That the best mode of effecting Constitutional Reform, is to promote the adoption in the manner prescribed by the Constitution, of those amendments which are of the most pressing importance to the public welfare.

*Resolved*, That in case the Legislature will not or cannot agree to propose such salutary amendments of the Constitution of this State, as shall secure all desirable limitations to delegated power, then it will become their bounden duty to submit by proper enactments the question to the people, whether they will or will not have a Convention to revise the Constitution.

Many of the Conventions go for a Convention without asking the Legislature for further tinkering: And as our Democratic friends in the Fourth Senatorial District cannot have much hope that the Legislature will now make all the Reforms required after that body has for several years rejected the single proposition embraced in the People’s Resolutions, we may, especially from what we know of the views of several of the delegates, consider their expression of opinion to be strongly in favor of a “Convention for revising the Constitution,” as well as a noble tribute to the financial policy sustained by Hoffman, Loomis, and other Democrats in the Legislature of ’42: And triumphant testimonials from all quarters of the State, impart increased value to the warnings which Hoffman, Young, Loomis, and their Democratic associates are now uttering in favor of a more extended Plan of Constitutional Reform, as manifested in the letters and speeches on that highly important question.



## LETTER AND RESOLUTIONS OF ANSEL BASCOM.

From Ansel Bascom, (to whom a testimonial was presented in 1839, for his Lectures on Law Reform in Herkimer.)

SENECA FALLS, Sept. 30, 1843.

To Henry O'Reilly, Secretary of the  
State Constitutional Association:

Dear Sir—In accordance with the spirit of the Circular from your Association, and in compliance with your suggestions, I will cheerfully furnish occasional remarks, whenever suitable opportunity is presented either through the press or in public meetings, on subjects connected with Political and Legal Reform—subjects to which my attention has been considerably turned for several years.

You will see, by the newspaper which I send you, that I recently, in a convention of this county, introduced resolutions concerning several important grounds of Reformation. Though not adopted by the convention, the resolutions were ordered to be published among the proceedings; and the People can guess whether those resolutions are or are not in accordance with Popular Rights and Public Sentiment. The grounds taken by me in those resolutions are substantially accordant with those which I have advocated for years, and which I sustained in my remarks before the recent meetings which I was requested to address in Newburgh and Poughkeepsie.

If the movement now making for Reform shall be sustained by the People, I intend, through the columns of "The Reformer," to propose and urge an amendment of the Constitution that shall abolish the Court of Chancery, and take away the power of the Legislature to increase the number of Courts at its pleasure; to advocate the abolishment of three of the Supreme Court clerks' offices, (now no longer necessary, since judgments must be docketed in the county before they become liens;) to advocate a general reduction of salaries, fees and costs—a simplification of all legal proceedings—an important alteration of the laws of evidence, that shall diminish litigation, render more easy the ascertainment of truth, and relieve to a great extent from the necessity of troubling a large number of witnesses to attend court to establish facts known to both the parties in interest; and finally, to discuss and answer the questions as well as I can, How so large a proportion of the community are enabled to live without pursuing some useful and productive industrial occupation? why it is that those who labor severest, too generally fare the poorest; while many of those who labor none at all, have the greatest abundance of the luxuries and necessities of life; and why it is that the number of poor and dependent ones is so rapidly increasing upon us, as to justify the apprehension that the present arrangements of society are calculated to introduce the same evils, wretchedness and degradation of the masses here, that exist in the Old World.

The first number of the "Reformer" will be sent to many of the old patrons of "The Memorial," a paper published by me in 1839

—40, for the sole purpose of producing legal reform and a reduction of costs, and which rendered important aid in procuring the passage of the law of 1840 for reducing costs, &c.

I indulge the hope that those who sustained the Reform Movement, of which my paper was the chief organ in 1839, will promptly unite in encouraging the movement now making. It needs but the support of those most deeply interested, to accomplish a greater amount of good than has been accomplished by the agitation of any question since the Revolution.

I do not stop to inquire whether all the Reforms that will be advocated in "The Reformer" are such as I can endorse or approve, for a free discussion of any subjects agitated by it will be permitted; and I have too much respect for the sagacity of the People of this State to fear that they are to be influenced to carry through any unsound or visionary projects of Reform.

ANSEL BASCOM.

[From the Newburgh Telegraph.]

## PRINCIPLES OF REFORM—SENECA CO.

The Seneca Falls Courier contains the proceedings of a whig convention held in that county, September 23, 1843. ANSEL BASCOM, Esq. one of the members of the convention, presented a series of resolutions embracing principles of Constitutional, Judicial and Legal Reform, which, after much discussion, were laid on the table, with the direction that they should be published with the official proceedings. In the same paper which ushered these proceedings to the world, Mr. Bascom publishes a communication, in which these passages appear:

"Our county conventions are getting quite parliamentary. One way of disposing of propositions that are obnoxious to the majority, is to honestly vote them down: another way is to lay them on the table. After this was done, a friend of the resolutions moved that they be printed, and to save appearances this was acceded to; but the reasons given in a lengthy discussion for laying them on the table, exhibited a hostility to their principles that the professions of attachment could not disguise.

"One objected, 'that some portions of the sentiments of the resolutions were approved by some Democrats;' another, that 'it was impolitic to undertake to carry unnecessary burdens just before an election—that what was wanted were political resolutions.'

"By some they were highly approved, but great fears expressed lest a few weeks' examination might disclose some hideous deformity. And then there were bugbears about agrarianism, socialism, one man eating another's dinner, &c. &c.

"A pretty large proportion of the convention were professional men. The people can judge whether this fact influenced the chances of the resolutions."

We subjoin the resolutions to which Mr. B. refers, in the belief that they will interest, and at the same time make a favorable im-

pression on the minds of our readers. Though a whig, Mr. B. is among the staunch and efficient advocates of reform. His suggestions, carried into practical operation, would, we believe, do much in alleviating the public burthens. Here they are:—

*Resolved*, That we approve the proposition for a Convention of Delegates to be chosen by the people, to propose amendments to the State Constitution, not only in respect to the power of the Legislature to create state debts without the consent of the people, or a provision for the discharge of some portion of them by immediate taxation; but so that the appointing power of the Executive and Senate may be taken away or abridged;

So that the power of the Legislature to increase judicial tribunals and judicial officers may be taken away;

So that the Courts of Chancery may be abolished, and their powers, or such as are necessary to be exercised, be devolved upon the law courts;

So that such reorganization of our judiciary system may be had, as that litigated controversies may be decided nearer home, with more justness and less expense;

So that the remnant of land qualification for voting, yet existing in our State Constitution, be at once and forever abolished, and free suffrage established and secured;

And so that a provision may be incorporated, providing for a convention of popular delegates, at stated periods, to review the constitution, and propose such amendments, and provide such new guards for the future security of popular rights, as shall seem to be required.

*Resolved*, That we will urge upon the next Legislature the passage of a law providing for the election of such delegates, at a special election, as speedily after the adjournment of said Legislature as will be reasonably convenient.

*Resolved*, That we will exert our influence to abolish the three unnecessary Supreme Court Clerk's offices, to reduce the enormous fees of Surrogates, the too high fees of Sheriffs and Clerks, and the publishers of legal advertisements, and such other fees and costs as are constantly seducing men from producing occupations to professional and official pursuits. —Now that the prices of the staple products of the country and of labor have fallen one-half within a few years, it seems proper that the whig party, claiming to be a reform party, and having when in power carried some important reforms in regard to these subjects, should encourage the hope that upon its restoration to political power, the work of reform shall be recommenced.

*Resolved*, That the rapid accumulation of County expenses for the last few years, until the expenses of several of our counties, with only 70 or 80,000 inhabitants each, exceed the taxes of the entire state of Connecticut, with her population of 310,000, with her seaport towns, her legislature and state courts, admonish us of the necessity of examining into the causes of such increased extravagance,

and of devising systems more economical.

*Resolved*, That a change in the mode of auditing and paying the expenses now chargeable upon the county treasurers, so that the charges of all officers elected by towns shall be paid directly by the town electing them, would tend to diminish the public burdens and distribute it more justly among the several towns of a county. By such a change, more watchfulness would be excited, more scrutiny of claims exercised—and towns that shall adopt the most economical mode of conducting their public affairs, would have, as they ought to have, the full benefit of their own economy, and not be charged, as they now are, with a part of the expenses of other towns who adopt a profligate system of expenditure.

From Robert H. Morris, Mayor of New-York.

MAYOR'S OFFICE, July 11, 1843.

"To Charles S. Benton, Henry W. Strong, Hiram Mc Collum, Hugh T. Brooks, Henry R. Selden, R. H. Williams, George W. Clinton, Lorenzo Sherwood, and Henry O'Reilly, Executive Committee of the Constitutional Association:

GENTLEMEN—Your Circular has been received. I fully concur with you in the necessity of a convention to obtain the important alterations in our constitution specified by you. Very many of the efficient democrats of this city have, for some time past, been conversing upon the subject. They are ripe for the movement. In a few days, our papers will speak in relation to it.

With great pleasure I accept the appointment of Vice President you have conferred on me, and assure you every effort on my part will be used to obtain the checks and guards so essential to the protection of the people and the just and equitable operations of law, and the permanency of democratic principles.

I shall be happy to hear from you; and shall, as often as circumstances require, communicate with you. Very respectfully, yours,

ROBERT H. MORRIS.

Letter from the Hon. Fernando Wood.

AUBURN, July 13, 1843.

Dear Sir—The communication of the New-York Constitutional Association for effecting a change of the State Constitution, stating that I had been selected as one of its correspondents, has been forwarded to me at this village, where I am passing the summer months. With much pleasure I accept the appointment, and will heartily co-operate with those who, like myself, conceive the proposed reforms absolutely indispensable for the preservation of the sovereignty of the people.

Very respectfully, yours,

FERNANDO WOOD.

To Henry O'Reilly, Secretary Executive Committee, &c.

#### CORRESPONDENCE.

The next number of the Reformer will contain many of the letters from Corresponding Committees on the Constitutional Question

## LETTER OF COLONEL YOUNG.

[From the Mohawk Courier.]

## COL. YOUNG ON THE CONSTITUTIONAL REFORM.

Singular as it may appear, it is not the less true, that some of the Conservatives among us (for even Old Herkimer is not exempt from such politicians) are actually asserting that Col. Young is rather opposed to the project of Constitutional Reform! Samuel Young, the veteran defender of Popular Rights, opposed now to a realization of those governmental reforms for which he long and gallantly contended—contended, almost single-handed, against overwhelming odds! “OLD SARATOGA” basely deserting the battle-field!—flying cowardly from the contest to which his patriotic example had incited multitudes of his fellow-citizens! *Credat Judæus!* But those who recollect how the same Conservatives prophesied about the course President Van Buren would pursue amid the difficulties of 1837, will not wonder much at these ridiculous reports about Col. Young. That sagacious class of partisans, early in '37, confidently predicted that Van Buren would take a course very different from the course which he actually did take soon afterwards in recommending the “Independent Treasury” as the best corrective of the evils resulting from former connexions between Politics and Banking.

In reference to Col. Young, the falsification of their reports is not less signal than the reports themselves were ridiculously absurd.

It is fortunately in our power to rebut these Conservative calumnies, for calumnies they are against Col. Young, by publishing a letter from that time-honored veteran to the Executive Committee of the State Constitutional Association. We obtained a copy of this letter from one of the members of the Committee; but would not have published it at present, were it not for the pertinacity with which some of the Conservatives are repeating their remarks about Col. Young's “coolness in the Reform Cause!” now while crowds of people are collected in attendance on the Circuit Court at present in session at Herkimer. We trust that, under these circumstances, we may be excused for printing the letter, without waiting for a formal sanction from the Executive Committee. It seems, from the tenor of Col. Young's reply, that the gentleman who addressed him referred to similar misrepresentations in Albany and elsewhere; and we recollect that, about the date of the correspondence between Col. Young and Mr. O'Reilly, paragraphs appeared in the Albany Journal and other papers intimating that the Colonel's non-attendance at the Reform Convention in New-York was occasioned probably by a flagging zeal in the Constitutional Cause.

With these introductory remarks, we now submit the letter of Col. Young—a document which, though brief, takes strong and noble ground—ground worthy of the writer and the

glorious cause with which his name is identified.

## THE LETTER OF COL. YOUNG.

ALBANY, September 2, 1843.

Dear Sir—I have received your note of the 28th ult, in which you state that my non-attendance at the recent convention in New-York has led to insinuations, not merely that I was less ardent than formerly in the cause of Reform, but that I was announced among those who were expected at that assemblage, without sufficient authority to justify a belief in my attendance: and you intimate a wish that I should obviate these misrepresentations or misapprehensions.

I had intended to be at the convention, as I stated to you some days before it took place; and if I had entertained the slightest suspicion that my absence would, in any way, impede the cause of Reform, I should have attended. But I saw it announced that I was to address the assemblage in the Tabernacle—an announcement not authorized by me, and which I confess had a strong influence in preventing my attendance. As the period approached, the weather became oppressively warm, and apprehending that I should be strongly urged to address the assemblage, and fearing that in a crowded room and heated atmosphere my physical powers would fail before I should be able to express my views of Constitutional Reform, I concluded to abandon my purpose of attending the convention, believing that ample justice would be done to the subject by others: nor have I been disappointed in this belief.

I hope that no one seriously apprehends that I am growing cold in the cause of Constitutional Reform. On this subject, until recently, I have stood nearly alone: and now that powerful associates are springing up in various parts of the state, do not for a moment suppose that I either relax or despond. During the last fifteen years, I have on various occasions, in official reports, speeches in the legislature, letters and otherwise, pointed out the rapid encroachments of delegated power, the gross violations of constitutional inhibitions, the alarming increase of public debt, and the final result in deranged finances, dilapidated credit and grinding taxation. I have also uniformly expressed my conviction of the necessity of amending and remodelling the Constitution of this State. More than seven years ago, in a letter to a committee of the Democratic citizens of the city of New York, which was published at the time in the newspapers, I used the following language:

“You seem to suppose that legislative encroachment may be arrested by procuring from individuals a sanction of the principles you have stated. Judging of the future by the past, I fear this will not be sufficient; that while temptation exists, seduction will follow; and that the only remedy is to take away the power of doing mischief. *And had you pro-*

posed to resort at once to the fountain of all political power, to procure a convention of the people of the State, to remodel and renovate their abused constitution, to apply the sponge of oblivion to all unjust and unequal laws, and affix, in *terrorem*, the impress of infamy upon their authors, and to erect barriers for the future too plain to be mistaken by ignorance and too strong for human cupidity, I should have had greater confidence in your final success."

Seven years ago, the debt of this State was about eight million of dollars; and since that period, the flood-tide of legislative profligacy and corruption, has heaped upon community additional liabilities to the amount of about twenty millions. For three years in succession, application has been made to the legislature for such an amendment of the Constitution as would exempt the people from a further accumulation of debt, without their consent. These applications have met with determined opposition and cold repulse; and although in theory our government is a government of the people, yet in practice it is the government of the few at the expense of the many. The dispensation of legislative grants and official patronage has created an organized corps of trading politicians and political brokers.—"Where the carcass is, there will the eagles be gathered together." In nearly every county in the State, a conservative brotherhood is found, whose object it is to profit by and perpetuate all the abuses of the past, and to multiply such abuses in future. This little band act in concert, and profess, through their presses and otherwise, to love the people with ardent affection. By constant management and untiring assiduity, they are often able to pack conventions, procure nominations, and pass resolutions, which astonish the multitude, and place the great body of the people in the minority. Their arts and address in controlling legislation are annually exemplified in the passage of partial, unjust, unconstitutional and oppressive laws.

Those who have lived on the abuses of the past, or who expect to profit by the abuses of the future, will openly or covertly oppose every measure of Reform. They will not directly declare that they dare not trust the people to remodel the constitution; but their conduct will amount to a practical declaration of this kind.

The lapse of the last twenty years has made important additions to the knowledge of the sciences and the arts of life; and it would be strange if bitter experience had not added something to the science of Human Government. The present constitution of this State is a great improvement on the one which preceded it. If its provisions had not been trampled in the dust, the present debt would not have existed. Whilst the debt-creating power continues to be exercised, there is no safety either for those who now live, or for those who will come after them. This tremendous and often-abused power must be taken from the legislature except in cases of public peril. Provisions to simplify and to accelerate the

administration of civil and criminal justice are also indispensable; and a multitude of officers, who now look to a central power for appointment, should be made to seek the sanction of the people, and to stand the test of the ballot box. The people of the State have always been deemed competent to elect men to the highest offices as well as to the lowest. But a set of intermediate offices was left to the scramble of applicants and the management of demagogues.

Under the old constitution, the electors could choose a Governor and a Constable; but the appointment of a Justice of the Peace, a Sheriff, and a County Clerk, was placed beyond their control and confided to the central power. This system has been partially relaxed, and the services of more honest and intelligent officers have thereby been secured. If the community are capable of self-government, they are assuredly competent to select all the officers necessary to its administration.

If legislation were circumscribed within safe and salutary limits, and the patronage of office confided to the ballot-box, the Swiss corps who fight only for pay, would be immediately disbanded. A simple, just and economical Government furnishes no sustenance to conservative excrescences or political brokerage. Every effort, however, to improve our social condition, will meet with bitter opposition from all who are interested in existing evils. Such has been the history of man, from the earliest records to the present time. The mercenary cotemporaries of every reformer have heaped upon him, in profusion, all kinds of misrepresentation, contumely and reproach; but the gross transgressions of delegated power are now so palpable as to have aroused the attention of a patient and long-suffering community.

Manifestations of alarm for the past and present, and of apprehension for the future, are now audible in various parts of the State; and although these apprehensions and alarms are suppressed and stifled in the doings of many of the public meetings, by conservative management, yet they are no less sensibly felt in all portions of the community. The interest and well-being of the great body of the people in every part of the State are identical. Just and equal laws, and an economical government, shed their blessings alike upon all.

The course to be pursued by the advocates of reform is plain. It is, to call things by their right names; to expose past misrule to public reprobation; to turn a deaf ear to calumny, sneers and misrepresentations; to enforce by argument the pressing necessity of Constitutional Reform; and on no occasion to tamper with iniquity or compromise with corruption.

But I have already trespassed too much upon your time and patience.

Very respectfully yours, &c.  
S. YOUNG.

HENRY O'REILLY, Esq. Sec. State Ass'n for Con. Reform

## SPEECH OF LORENZO SHERWOOD.

## POPULAR MOVEMENTS.

We perceive by the papers of Newburgh and Poughkeepsie, that meetings have been held in those places for the purpose of promoting Reform in our State Government. In both places, the meetings were addressed by Mr. Sherwood, a member of the Legislature from Madison county, and also by Ansel Bascom of Seneca county, a gentleman who was honored by a "public testimonial" from the friends of Law Reform in Herkimer county, three or four years ago. These gentlemen were invited to address the meetings, by democrats from those towns who met them in New-York.

The Newburgh Telegraph speaks favorably of the result in that place. The meeting was very well attended for the short notice—Mr. Ledyard presiding, and Mr. Pitts (editor of the Telegraph) acting as secretary. The chief points of the Reform Question were forcibly presented by both speakers; and the Telegraph, after a proper allusion to Mr. Bascom, speaks of Mr. Sherwood as "one who deserves to be ranked among the first men in the State." The meeting in Poughkeepsie was held on the following evening—the third evening after the general meeting in New-York—Ebenezer Dakin, chairman; and James H. Howe, secretary. The Free Press mentions that the audience was 'very respectable,' though the notice was very brief. That ably conducted journal devotes more than five columns to a report of the leading topics mentioned by the speakers—the chief part of which is devoted to an outline of Mr. Sherwood's speech.—[Cattskill Recorder.

[From the Dutchess Free Press.]

## REVISION OF STATE CONSTITUTION.

On the 18th inst. (Friday,) it was announced that Messrs. L. Sherwood, of Madison county, member of the present house of Assembly, and Mr. Ansel Bascom, of Seneca county, would address the friends of Constitutional Reform in the evening, at the Village Hall.—Notice to that effect was accordingly given, and at the appointed hour a very respectable audience was in attendance. On motion, Mr. Ebenezer Dakin was called to the chair, and James H. Howe appointed Secretary. After a few introductory remarks by Mr. Barculo, on being introduced to the audience,

MR. SHERWOOD said, he scarcely knew whether to attribute it to accident or design that he appeared before the audience here assembled. While at New-York he had been invited to stop at this place on his return home, and, in responding to the invitation, he must express the assurance that the object which had called him from home would be regarded with much consideration by the people of Dutchess. At this peculiar time, when the multiplicity of embarrassments, public and private, under which the people are laboring, have fitted them for reasoning dispassionately, and directed their attention to ascertain the causes, he trusted the same spirit of inquiry which had prompted men in other parts of the State, would prevail here. He trusted, also, that the time had come when both political

parties could look at the past, present, and prospective state of things, with more of deliberation and candor, and with less of blindness and enthusiasm, than heretofore. As party men, or politicians, we may array ourselves against one another, or, in favor or against the measures or policy of party; yet, still we must agree in one conclusion, that, whatever is instrumental in working out real good or evil to either, must be alike beneficial or deleterious to both parties. As parties, we may disagree; the people, however, as a people, have but a common interest. To protect that interest from encroachment, and to stay the hand of ruinous legislation which has prevailed in former years, it has not only been thought advisable but necessary, by many of our most considerate men, to adopt additional remedies by constitutional law. If political evils exist, it is our duty to ascertain their cause, and apply the remedy. If abuses in the administration of government have transpired, it is our duty, if possible, to prevent a repetition.

Mr. Sherwood, said, that there was a marked and universally admitted distinction between the productive classes of this country and those of Europe,—that scarcely a vessel arrived from the other side of the Atlantic which did not bring us accounts of the incredible sufferings of the laboring classes in the old country, while the same description of people here were enjoying comparative comfort and plenty. If we examine the governments of the different countries in Europe, we shall find them adequate to all the purposes of common protection. If we examine the habits of the people, we find their industry and enterprise sufficient for the production of all the necessary comforts and conveniences of life. What then, (he inquired,) is the cause of this difference? Why are people equally industrious, frugal and enterprising, divided merely by an ocean of water, in such different circumstances as it respects the attainments of the comforts of life? There must be some cause for this. It would take more time than he had at his disposal to delineate the comparative want and suffering of a people, where one-fifteenth of the whole population subsisted thro' the means of parish relief, but he could assign its cause in a single word. It was *Taxation*, inexorable, searching, grinding taxation.—From the nicest calculations made by Mr. Bulwer, who has devoted much attention to the subject, and to whom such data has been accessible as would make his statements as nearly correct as the nature of the subject would permit, it is estimated that the taxes of Great Britain amount to about *one-third* of the yearly earnings of the country. And what, (inquired Mr. S.) are these taxes for? It is true that the people of England are saddled with the maintenance of a race of royal paupers, and of an expensive royal government; yet, after all, they absorb but a small proportion of the enormous amount of national taxes yearly collected. It is a matter well understood, both in England and this country, that it is the yearly exactions required to pay the interest



on the public debt, that is exhausting the earnings, and all but extracting the life blood of the people, of Great Britain. It has long been growing and increasing, until at last it has become a burden too grievous to be borne, and we are periodically presented with a capricious change in the administration of her government, growing out of her requirements, burdens and exactions upon her people. The complaints of distress have so long been heard, and the governmental ear so much accustomed to their sounds, that they have long since ceased to excite compassion from those in authority, and it is only when government takes the alarm, that the cries of pauperism draw its bounty from the apprehensions, rather than from the sympathies of power. One-third of the whole business of the people of Great Britain consists in their preparation to pay taxes! Not only the lands, but the products of the lands, are taxed. Not only the structures and implements of mechanics, but the fruits of their labors also are taxed. To the citizen of Great Britain, not an intermediate spot is known between the cradle and the tomb, that is free from taxation—whether it be the soil upon which he treads, the roof that shelters or the fire that warms him; whether it be the window that lights his dwelling, the carriage in which he rides, or the animal that draws it; whether it be the raiment that covers his body, or the food that nourishes it—every thing pays its exactions to government: so much so, that even the very coffin that encloses the remains of departed humanity, is taxed in its descent to the grave!

What would be the effect, said Mr. S. if the farmers and mechanics of Dutchess were obliged to set aside for the use of government, one-third of the products of their farms or earnings of their shops? How would it affect the wages of labor, the profits of business, and the value of capital? Mr. S. said, it mattered little whether the taxes were direct or indirect—whether paid by the consumer upon articles of foreign importation, or paid to the itinerating tax-gatherer—the burden fell more equally upon the different classes of community than is commonly imagined. If the agriculturist yields one-third of his crops to the use of government, he can afford to pay his hired man but two-thirds of what he otherwise would; besides he loses to himself in the operation, one-third of his own profits, and foregoes to that extent the interest on his capital invested—this would likewise be true of the mechanic and the operative—it would be measurably true of all other classes. Capital and labor would work four months of the year for government. Ostensibly, in direct taxation, the more wealthy portion of community would seem to bear the greater burdens, whilst, in reality, from their indirect operation upon the laboring and more destitute, they would be the most severely felt. If we contrast the wages of labor, and interest on capital in this country and in England, for a series of former years, we shall find that the disparity corresponds very nearly to the ratio which taxes bear to the yearly earnings of the people—whilst the interest on money there would be from three to

four per cent; in this country it would range from five to seven. Whilst the common wages of labor would range from 33 to 44 cents per day, in this country they run up from 50 to 75. As a further illustration of the effect of public debt upon the value of property, Mr. S. said he would relate what he learned of the people residing in a particular section, near the line of this State and Pennsylvania. Having occasion to travel in the valley of the Susquehanna, some three years since, he was informed by the inhabitants that there was a difference in the value of farms, equal in position and fertility, to the amount of five dollars per acre; and the only cause of that difference was a mere ideal territorial line that separated the State of Pennsylvania from New-York. The withering blight of prospective taxation had already fallen upon the fair soil of that fertile state. The era of delusion had partially passed away, leaving its unproductive rail-roads and "pauper canals" to be supported by state charity.

We might put the inquiry, said Mr. S. whether the people of Dutchess and other river counties, in view of the effect which public debt and taxation has upon their interests and property, are prepared further to acquiesce in a course of imprudence that threatens them with such prejudicial results. They have just seen, it is presumed, the tax-gatherer amongst them, and they have felt the weight of his exactions. Are they prepared to have these exactions increased, and those visits repeated at shorter intervals? It is true, we have not yet been saddled with a State debt approaching very far in comparative amount to the debt of Great Britain; but we have made a fearful beginning. The debt of this State, when all summed up, is about \$28,000,000 of dollars; a sum easily written upon paper, an amount soon put into figures, but a sum, nevertheless, that will cost much sweat, and many years of painful labor for the people of this State to pay.

Mr. Sherwood said, he wished it in his power to present in a single view, the immense amount of taxation, direct and indirect, which has been enforced upon the people of this State by the action of their government. It is conceded that the State of New-York contributes a sixth to the revenue of the Union, and which falls not very far short of four or five millions annually. It has been estimated, that two millions more have been annually drawn from the pockets of the people, to swell the usurious profits upon banking, over and above the common and legal rates of interest on capital. The direct state, county, and town taxes paid in 1842, by the people of this State, were four million two hundred and forty-six thousand dollars. These immense sums but indicate the inception of that gigantic system of debt and taxation to which we shall surely arrive if the people of the different counties of the State allow themselves or their interests to be misrepresented.

The question to be decided, is whether we shall stop where we are, or whether this debt and these exactions shall be increased? Whether we shall permit our Legislature to go on

borrowing money for the prosecution of works of sectional and of doubtful advantage, until we, or our successors, like the people of some of the sister states, in view of our public burdens, announce to the world that we *cannot* or *will not* pay. Let me assure you, said Mr. S. that the idea of repudiation is not a mere fanciful bugbear, to be regarded merely as a phantom of the imagination. Let the public debt be increased, and the public burdens multiplied; let the people entertain the idea, as they undoubtedly would, that they have been misrepresented and imposed upon; let them know, as they necessarily must, that they are paying exactions for which they have not received an equivalent, and it would need no prophetic assurance to make us believe that no man could be elected to legislative office who would vote to tax his constituents. At such a crisis, demagogues would be abroad; every mercenary and selfish feeling in our nature would be appealed to: *voters* (not to call them men) enough would be found secretly lending their aid to elect men who would resist the public burdens, and who would override the public virtue by riding into office under the "black flag of repudiation."

The pay policy of 1842, Mr. S. said, he had reason to know, was not adopted without calling into requisition the most invincible firmness and energetic action of its projectors, backed by the sternest necessity; in fact, it was adopted literally because the State could borrow no more money; and yet, continued Mr. S. under circumstances like these, with the bonds of the people of the State of New-York worth only seventy cents on the dollar, the proposition was seriously made, and urged with great pertinacity by men calling themselves Democrats, and occupying high places, to send an agent to Holland to negotiate a loan and borrow money on the credit of the State, at the ruinous and shameful discount of thirty per cent, merely because it was supposed that the people would not stand a direct tax, and that its imposition would distract and tear into pieces the Democratic party, just then rising into power. It was well for the people and the State, that the counsels of men who thought of the organization of party only in reference to the offices to be obtained by it, rather than the measures to be accomplished, did not prevail. It is equally satisfactory for us to know, that the people have triumphantly vindicated and sustained a measure adopted with so much difficulty, and viewed with so much apprehension. It has taught a moral lesson in politics, that it is never unsafe for legislators or a party to deal openly, frankly, and fairly, with the people, and to discharge their duty with firmness and integrity. Another illustration may also be implied. If political place-men or squeamish politicians are so much alarmed at the prospect of a direct tax, comparatively so moderate; if their apprehensions are well grounded as to the instability of a party that imposes it, what *can* we, what have we a *right* to expect, when we shall have rolled up a debt of forty or fifty millions of dollars, but shameful, dishonorable, repudiation?

From the present situation of our internal

improvements, said Mr. S., we have every thing to apprehend from those combinations of sectional and local interests, which have heretofore so disastrously sprung into requisition the debt creating power of the Legislature.— To devise some method by which to counteract this tendency, or rather to confer with you upon the expediency and necessity of depriving the Legislature, under certain restrictions, of this debt creating power, which we have found so potent for evil, is the principal object of my meeting you here this evening. Although he was a member of the Democratic party, Mr. S. said he was not among those who would entirely exonerate it from all blame in bringing about our present lamentable state of things. It was his party which had assisted in projecting, and to a great degree had inflated what is called the "internal improvement policy" of the State; and it was the improvident and unwise prosecution of this policy, that had involved the State in all its pecuniary embarrassments. It was this policy which had aroused the cupidity and sectional interest of every little neighborhood in the State; and although, when the Whig party came into power, they gave to this policy a renewed "impulse," and imprudently prosecuted it when every prudent motive should have restrained them, yet it was not until after a Democratic administration had participated in projecting, and under more prudent restrictions had partially prosecuted, the public works, that the Whigs assumed power, and drove the State into those financial excesses that have fixed upon us a debt of nearly 28,000,000 of dollars, for the payment of which we are now suffering an onerous taxation. In my opinion, (said Mr. S.,) both parties are obnoxious to more or less censure on this account; but as to which party is exclusively responsible for this debt-creating policy, is, to the people who have to pay the debt, but a secondary consideration. Our object, at present, is to consider the means of erecting a constitutional barrier against the repetition of a similar course of events. It is now our business and purpose, at least I think it ought to be, (said Mr. S.) to devise means whereby we can protect ourselves against the unfaithfulness or improvidence of future legislatures.— We will dismiss what is past, and pay up the debt it has entailed upon us; but we may not forget that what has once transpired may happen again under the same circumstances. We should not forget that unless a constitutional bar is placed to this destructive and debt-creating legislation, we have no sure guaranty that the same influences which have once afflicted us, will not again combine for purposes of equal, if not more disastrous legislation. Let us inquire then, (said Mr. S.) whether it is not an object for the people of the rich and populous county of Dutchess, a county which (saving the city and county of New-York,) stands second to no other in the State for wealth, and whose portion of these burdens is by no means inconsiderable, to unite with the western and other counties that are disposed to join the movement, in an effort to interpose the bar of which I have spoken. I cannot be mista-

ken in knowing that a county situated like Dutchess, whose wealth is the offspring of industry and frugality, has every motive to public prudence; and I apprehend her citizens will not be reluctant to join in the call for a Convention, that such a revision of the Constitution may be had as shall effectually secure to the people an object in every way so desirable.

I reside, (said Mr. S.) in the county of Madison, which is traversed by the Chenango canal, and has also, the Erie canal on its northern border. Most of you undoubtedly remember how, and through what influence the Chenango canal was built. You have not forgotten that the people of the Chenango Valley were supposed to have put up their votes at a kind of political auction, and in effect, told the two opposing parties, that whichever of them would build their canal should have their votes. It is to be recollected that both parties bid; but as the Democratic party at that time were in a situation to render the most prompt pay, he was ashamed to say that it purchased their votes. The canal was built, and two millions and a half of dollars was added to the public debt, to be paid, principal and interest, by taxation. I may now ask of what benefit or advantage is this canal, or any of our unproductive lateral canals, to the people of Dutchess? Does their produce command a better price, or are their lands rendered more valuable? On the contrary, are not both depreciated, and you called upon to pay for a work which has done you nothing but injury? The tolls upon the Chenango canal scarcely pay the interest upon one-eighth of its cost, and if the people of the Chenango Valley would give me the millions of dollars which it cost to construct the canal, I would obligate myself to cart all the surplus produce they raise yearly, to market, and to deliver to them on my return, all the merchandize they can fairly consume; and I venture to say, that I should have nearly enough over, from the yearly interest of the sum invested, to pay for a large proportion of the goods thus imported. The Chenango canal is only one of the fruits of our internal improvement policy—there are other works completed, and more in the progress of construction, that can teach lessons equally instructive, but time would fail me to go into a history of their merits. The people of the western counties and internal-improvement sections, talk much about the increased value of their lands—and, undoubtedly, the value of their lands has increased. But at whose expense? Is it possible to add ten or fifteen dollars to any given number of acres west, by the construction of an unproductive canal, without taking the same amount of dollars off of the acres of some other section? I have no doubt but that the people of some of the western sections can enhance the value of their lands, provided they can persuade the people of Dutchess, and other counties not interested, to pay for the improvements. I have also, just as little doubt that they will make the attempt, just so long as the people of the river counties, and other sections of the State not benefitted, will stand ready, tamely to put their hands into their pockets and pay for the

depreciation of their own property.

Mr. S. said it formed no part of his purpose to endeavor to array one section of the State against another—but it was necessary now to speak of evils, and he must speak of those as he found them, and of such as were well known to exist, and to invite his fellow citizens of the river counties to unite with him and other brethren of the west, to devise and apply a remedy. He was not sounding a groundless alarm. Already had the advocates of the Black River Canal, in Jefferson county, in imitation of the people of Chenango Valley, put up their votes at auction, by announcing in advance, that they would in the coming election, vote for no friend of the stop-and-paying policy. The friends of the Genesee Valley canal, of the Erie enlargement, and of the New-York and Erie Rail-Road, were not less active; and when the time arrived for the convening of the next Legislature, a combination, he was fearful, will have been formed among these local and sectional interests, that will override the Constitution, and the great principles of justice.

Mr. S. said, it was with much reluctance that he alluded to the doings of his compeers in the present Legislature, yet it is allowable to revert to their course, and, if possible, to draw a lesson of instruction for those who are to come after us. By way of illustrating what had excited his fears, and, what he apprehended, should excite the fears of all the friends of the paying policy, he would take the liberty of speaking of an affair which occurred in the Legislature last winter, which for two or three days was peculiarly alarming, and came near plunging the State again into that fearfully dark and deep abyss of debt and bankruptcy, from which the indomitable courage and patriotism of Michael Hoffman and his fearless associates had just rescued her. A short time before the close of the session, we were startled by a proposition coming from a member of the Democratic party, to appropriate a million a year, for five years, to be expended upon the public works, and containing no provision to pay the principal or interest on the sum appropriated. This proposition was promptly voted down by a large majority, embracing nearly the whole Democratic vote in the House. We were, however, soon met with propositions in a more insidious and at the same time alarming shape. Propositions came from the whole length of the Erie Enlargement, for the building a bridge here, an aqueduct there, finishing up excavations, and completing sections, and all represented to be most absolutely and indispensably necessary. The Genesee Valley and Black River canals threw in their claims, and urged them as equally meritorious. The southern rail-road and northern frontier threw in their proposals for joint stock, whilst the agents of Corporations indebted to the State stood ready to see if their help was not wanted. The first we knew, the friends of the different propositions were found acknowledging the merits of each other's applications, and the incipient measures thus taken towards a combination of these sectional interests, which if suffered to mature would

have blown our anti-debt and paying policy to atoms, and fastened upon the State a debt of I know not how many more millions of dollars. For two or three days, these matters were urged with a pertinacity that alarmed the firmest and most determined of our members, but were finally counteracted by the efforts of those towards whom I shall ever feel grateful for having stood up to the discharge of their duty; and let me add, (said Mr. S.) that in two or three days' effort to counteract this embryo movement, the aid from Orange, Dutchess, and other river counties, was very promptly given, and very well received.

Mr. S. said there was another practice which had grown up of late years, the evil of which he believed would be remedied by the proposed amendment. He had allusion to the practice of "legislating around the Constitution," as it is called. By this process, three millions, and interest, have been indirectly appropriated to the New-York and Erie Rail-Road: as another instance, he might mention the Salt, Coal, and Plaster bill. It is well known that the Constitution declares that the tolls on the canal should not be reduced below a certain minimum, before the debt for the construction of the Erie and Champlain canals is paid off; but in order to evade this prohibition, the legislature passed a law last winter, which entitled the exporters of these articles beyond certain points, to a bounty—which merely obliged the salt dealer to pass his toll over to the canal collector with one hand, while he received a portion of it back from the State with the other. This is what was called legislating around the Constitution—a process by which the legislature ingeniously obey the letter of the Constitution, but flagitiously outrage its spirit. Connected with the passage of this law, he would read another lesson in the history of the late session of the Legislature. Previous to the passage of the bill appropriating the three millions to the New-York and Erie Rail-Road, it was conceded, as supposed to be ascertained by a sufficient number of the members of the House, to be a two-third bill, and embraced in the constitutional provision as such. It was agreed among us, that should the speaker decide it to be otherwise, as it was expected he would, and as he did, that an appeal should be taken from his decision, when, as it was supposed to be ascertained, a majority of us stood ready to vote it a two-third bill, as in my opinion it undoubtedly was. Judge of my surprise then, and mortification, when the appeal was taken, to find myself and my associates forsaken by every member connected by sectional interest, or otherwise with the bill providing for the payment of the salt bounty, and they dodging the question or voting in favor of a bill which many of them had just pronounced a breach of the Constitution they had sworn to support. Not a reply was made to the arguments adduced to show that it was grossly unconstitutional, and scarcely a syllable uttered in defence of the measure, except by the Speaker of the House, who did attempt to say something in vindication of his course; but gentlemen who had united with us in denounc-

ing the measure, leaned back in their chairs and actually laughed in our faces when we reminded them of their previous opinions. I do not pretend to say, said Mr. S., that there was a previous understanding between the rail-road and salt gentlemen, because no man but the parties heard the bargain if there was one; but I do say, that the votes will show a very unaccountable conjunction between the friends of the two measures; and the journals of the House will also show, that the salt bounty bill was singularly well-timed in its introduction into the House and its subsequent management there to meet the very contingency as to votes which afterwards so strangely occurred.

Examples like these, continued Mr. S., will serve to show the strength of these sectional interests, and the readiness and facility with which they had entered into combinations to promote each other's success. Their frequent repetition in times past also evinces the utter futility of the present Constitution to prevent such results. Comparatively, individuals care but little for the morality of the State—her failure or corruption works no direct tangible evil to her citizens severally; and what is borne by the community, is but little cared for by the citizens individually. The bonds of the State payable at some future day, are issued for the prosecution of sectional works; and the Representative who has merely pledged the faith and honor of some future generation, returns to his constituents unquestioned, nay, perhaps applauded for his ingenuity in obtaining present benefits, and throwing the burden of payment into the future. But is this right? Is it honest? can we justify it on the score of patriotism or public philanthropy? I trust not; and I hope the time is rapidly advancing when the Representative will be made immediately accountable for his conduct before his constituents. I will risk, he said, the Representative, who when he lays a tax upon the people, is compelled to come home and face his constituents, and render a rigid account for so doing. I will risk his legislating money out of the pockets of the people when he is followed home by the tax-gatherer, unless the public interest and necessity require it. But the issuing of State bonds is quite a different thing: It brings no immediate responsibility, and because their payment is thrown into futurity, they are left to the care of futurity.

To procure the amendment of the Constitution, said Mr. S., so as to abridge the debt-creating power of the Legislature, will be a task of greater magnitude than at first may be supposed. Scarcely will the question become general, before an interested opposition will spring up, which if it does not defeat, will tend very much to embarrass the measure.—We must recollect there will be locality with its thousand sections, each desirous and even clamorous for local improvements, and their attendant disbursement of public moneys.—There is the contractor now waiting in comparative idleness, with the whole horde of dependant laborers eagerly anticipating a return to prodigality. We shall have leading politicians from whose errors have sprung most of the evils of which I have been speaking, and

who will oppose reform lest it should more prominently bring into review and condemnation their former judgment and conduct. We shall find those who may be wholly absorbed in the attempt to elevate a particular man to office, and who will either feel or pretend to feel scruples lest the proposed reform will in some way interfere with the prospect of a candidate or the unity of party. We shall meet with those who will oppose reform, lest it shall reform them out of office, or lessen the profits with which office is attended. Finally, we shall find in opposition a horde of office-seekers, who have no other motive in the organization of party than the place it affords, or the money that can be made on it, instead of the public good to be accomplished by the organization. Now notwithstanding all this anticipated opposition, I hope and trust, said Mr. S., there is sober intelligence and firm energy sufficient in the great community of the State, to press this matter forward to a successful termination.

Mr. S. said he had more particularly confined his remarks to the subject of debt and taxation, because he supposed that in a wealthy river county like Dutchess, upon whom the hand of taxation fell so heavily, and from certain causes so unjustly withal, that it would be the first to arrest and receive attention.— There were other imperfections in our fundamental law, which would probably be presented to the notice of a revising Convention; to which, did time permit, he would call the attention of the audience. The field, however, was too broad to go over at a single sitting, and for the present he would only allude to the vast amount of Executive patronage concentrated in the hands of the Governor of this State. The patronage, he said, was an evil of no contemptible magnitude. The Governor held at his disposal nearly fifteen hundred appointments, distributed in different parts of the State, which he was expected to fill in a space of not much over ninety days. Now it is not in the nature of things, that an Executive can to any great extent be acquainted with the personal qualifications and merits of the myriads of office-seekers who swarm around the capitol upon every change of administration. The consequence is, that the Executive either calls or admits about him those interested advisers, who tender to him what he supposes the necessary information.— These advisers are soon known; and in a short time they become the only avenue through which the Executive can be approached.— Here then is a central power extending in its ramifications into every sequestered neighborhood of the State, all but imperceptibly organized and interwoven with many of the foulest elements of party organization. This power soon becomes connected with the hangers-on around Albany, mere political adventurers, who periodically resort to the capital in quest of prey, and are moulded into every sinister purpose of this central power. The question with this central power, is, not what are the merits and qualifications of the candidate seeking the appointment, but how many

votes can he bring us? what is he worth to us politically? As is readily seen, the tendency of this is to throw the post of honor and profit into the hands of unprincipled men and brawlers who hover around the appointing power, ever ready to fawn and dissemble, and to become the panders to this central influence. All parties had felt the curse of this vast central power, and each in its turn had charged its creation upon the other. The Democratic party had sunk under the weight of the old Albany Regency; and upon the accession of the Whigs to power, they also soon began to complain of their "Albany junto," and of the doings of the "Wall-street clique," until they too sunk under the accumulation of odium occasioned by the misdeeds of this irresponsible body. The corruptions of the old council of appointment, he said, were one of the main causes for calling a Convention for a Revision of the Constitution in 1821; yet he did not know that their doings were justly more a subject of complaint than the feature of our present constitution, which practically, at least, throws most of the Executive appointments upon an unofficial and irresponsible body, whether called *regency*, *junto*, or *clique*. Mr. S. said it was this central influence, and the operations with which it had been connected, that had tended more than anything else to destroy confidence in public virtue. It was this which had sown the seeds of discontent in party organization. It was this which had heretofore excited disgust, and corroded the minds of thousands of our best and most able citizens; which has made them despond of fairness in the distribution of office, and caused them to feel as though patriotism had but little to do with party politics.

In this country, continued Mr. S., the sovereign power is lodged with the people, and there is no good reason why the sovereign power, in all practicable cases, should not make the appointments. Most of these officers are to serve particular communities, and in his opinion, these communities are altogether the best judges of the merits and qualifications of the officer whom they may wish to have serve them. He was in favor of having Surrogates, Notaries Public, Inspectors, and every other officer now appointed by the Executive, (save perhaps a few of a judicial character) where in the nature of the case it is practicable, elected by the people, to whom the power of making these appointments properly belongs. This he believed to be the best if not the only corrective of the corroding evil from which all parties had justly complained.

Mr. S. said, his main object at this time was to attempt to arouse the attention of the people of Dutchess to the vast importance of the subject of which he had been speaking. Time and circumstances would not permit him to do much more than this: and if in what he had said he had been successful in the least degree, in arousing this attention, he would leave it to be followed up by such reasons as might present themselves to the calmer reflections of a community so much interested in a Reform of the Constitution as the people of Dutchess.





